

The Council re-assembled at the Council Chamber, Fort St. George, at 11 a.m. on Wednesday, the 20th December 1922, the hon. Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR AVargal, K.C.S.I., C.I.E., President, presiding.

I

NEW MEMBER.

Mr. ALEXANDER MACLEAN MACDOUGALL took the prescribed oath of allegiance to the Crown and then took his seat.

II

QUESTIONS AND ANSWERS.

[Order made by the President of the Madras Legislative Council under Standing Order No. 15—

(1) Printed copies of the questions and answers to be put and given at a meeting of the Council shall be placed on the Council table an hour before the President takes his seat.

(2) The questions shall be put and answered in the following manner :—

The Secretary shall call the name of each interpellator in alphabetical order, specify the serial numbers of his questions and make a sufficient pause to allow him or any other member a reasonable opportunity of rising in his place if he is desirous of asking a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate.]

Education of the Pattani Mussalmans of Malabar.

612 Q.—Mr. A. D. M. BAVOTTI SAHIB : With reference to my question No. 204 at the meeting of the Council held on 14th September 1922 regarding the Pattani Mussalmans of Malabar and the answer thereto, will the hon. the Minister for Education be pleased—

(a) to state whether the said Mussalmans are given the same facilities and concessions in the following respects as their Mappilla brethren :—

- (i) scholarships to pupils in elementary and secondary schools ;
- (ii) concessions for appointments in the Educational department ;
- (iii) scholarships to pupils in the School of Commerce, Calicut ;
- (iv) exemption from examination rules for public service ; and

(b) to call for a report from the head of the Educational department regarding the state and condition of education among the Pattani Mussalmans ?

A.—The Government have no information but will call for information.

Non-Mappilla Muhammadan representation in the Police department in Malabar.

613 Q.—Mr. A. D. M. BAVOTTI SAHIB : Will the hon. the Law Member be pleased to state whether non-Mappilla Mussalmans of Malabar are given the same concessions and facilities in the selections of sub-inspectors of Police and whether there is at least a single non-Mappilla Muhammadan in Malabar as sub-inspector ?

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A.—The appointment of sub-inspectors is regulated by G.O. No. 635, Judicial, dated 8th March 1916, which was placed on the Editors' Table. As to the latter part of the question the Government have no information.

Introduction of Bill for Vizagapatam Harbour.

614 Q.—Mr. V. HAMID SULTAN MARAKKAYAR: Will the hon. the Member for Finance be pleased to state when the Bill for Vizagapatam Harbour will be introduced?

A.—There are several interests to be consulted and it is not possible to name a date at present.

The Cauvery Reservoir project.

615 Q.—Mr. K. A. KANDASWAMI KANDAR: Will the hon. the Law Member be pleased to state—

(1) when the Government proposed to undertake the Cauvery Reservoir project (Mettur);

(2) whether the Government of Mysore have forwarded their final arbitration report regarding this project; and

(3) how many villages of Salem district are likely to be affected by this project and what is the area to be affected in those villages by it?

A.—(1) The hon. Member's attention is invited to the answer given to question No. 409. As the project will require the sanction of the Secretary of State, it cannot be stated when it will be undertaken.

(2) The question is not understood.

(3) 7,408 acres in 12 villages in Omalur and Dharmapuri taluks.

Mr. T. SIVASANKARAM PILLAI:—"The answer to question No. 615 (2) is given as 'the question is not understood'. I presume that when a question is not understood it is generally the practice to ask the member concerned what he exactly means by it. May I know if that was done in this case?"

The hon. Mr. K. SRINIVASA AYYANGAR:—"Sir, I generally answer the question as it is sent to me. The question is whether the Government of Mysore have forwarded their final arbitration report regarding the project. That is wholly unintelligible to me, Sir."

Mr. T. SIVASANKARAM PILLAI:—"It is likely that the question is unintelligible to the Member. But if there is difficulty about it, it is perfectly open to the hon. Member for Government or the Legislative Council Office to refer back the draft question and ask the member concerned what he actually means by it."

The hon. the PRESIDENT:—"I take it that the hon. Member says that his suggestion may with advantage be introduced as a practice hereafter. But that is hardly a supplementary question."

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The hon. Mr. K. SRINIVASA AYYANGAR :—“ May I mention, Sir, that there is no meaning in the question as it is ? The question is (1) when the Government proposed to undertake the Cauvery Reservoir Project (Mettur) ; and (2) whether the Government of Mysore have forwarded their final arbitration report regarding this project. There is no arbitration at all as regards this project in the first place and the Mysore Government have nothing to do with it. Further there is no arbitration report to be sent in by the Mysore Government. I do not know what the question means.”

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—“ Sir, it is not a supplementary question that I now wish to ask; but with regard to the observations of my hon. friend, Mr. K. Srinivasa Ayyangar, that there was no project and so on, it is clear that the question is clearly understood by him and therefore it is not quite correct to say that it is not understood.”

Quantity of manure sold from Government farms.

616 Q.—Mr. A. T. PALMER: Will the hon. the Minister for Development be pleased to state the total quantity of manure sold out from Government farms each year to private individuals for the last four years ?

A.—The Government have no information; but can call for it if the hon. Member will indicate more clearly what he wants. Paragraphs 124-30 of the administration report for 1921-22. Paragraphs 89-91 of the administration report for 1920-21. The Agricultural department deals with many different sorts of manures and vegetable manure seeds. A perusal of the marginally-noted paragraphs of the last two years' administration reports of the Agricultural department will enable him to indicate the branch of these activities about which he now requires information.

Muhammadan representation in departments under the hon. the Law Member's control.

617 Q.—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB : Will the hon. the Law Member be pleased to state the number of Muhammadans (excluding peons and attenders) employed in the departments under his control during the year 1921-22 ?

A.—The figures will be found in due course in the returns prescribed in G.O. No. 658, Public, dated 15th August 1922.

Mr. T. SIVASANKARAM PILLAI :—“ Does the return mentioned in the answer include the case of the Public Prosecutor also ?

The hon. Mr. K. SRINIVASA AYYANGAR :—“ I believe the Public Prosecutor is not a Government servant and the return is only with regard to the Government servants.”

Mr. T. SIVASANKARAM PILLAI :—“ Sir, the wording in the question is ‘ employed ’ ; and I think the Public Prosecutors are employed because they are given a daily fee.”

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Muhammadan representations in departments under the hon. the Minister for Education.

618 Q.—Khan Badadur MUHAMMAD SADULLA BADSHA SAHIB : Will the hon. the Minister for Education be pleased to state the number of Muhammdans, excluding peons and attenders, that have been newly appointed in the different departments under his control, such as the Registration department, Education department, and the Public Works department in the Presidency town in 1921–22 ?

A.—The figures will be found in due course in the returns prescribed in G.O. No. 658, Public, dated 15th August 1922.

The improvement of irrigation facilities.

619 Q.—Mr. K. SARABHA REDDI : Will the hon. the Law Member be pleased to state—

(1) whether it is not a fact that there is a Government order directing the Executive Engineer to hold now and then meetings in important centres of districts in their charges with a view to consult people as to what best can be done to improve irrigation facilities ; and

(2) at what centres and on what dates the Executive Engineer of Kurnool district held such meetings in Kurnool district after the passing of the Government order ?

A.—(1) Yes. The Government order on the subject (G.O. No. 194 W., dated 7th February 1921) has been placed on the Editors' Table.

(2) It is understood that though no conference was held in strict accordance with the Government order, the Executive Engineer, Kurnool division, conferred with and had discussions with the leading ryots on the following subjects at the centres and on the dates shown against them :—

Subject.	Centre.	Date.
(i) Irrigation under the Venkatapuram tank.	Dhone	.. 8th June 1922.
(ii) Irrigation under the Kocheruvu tank.	Do.	.. 9th June 1922.
(iii) Extension of cultivation under the Maidkur channel.	Maidkur	.. 15th August 1922.
(iv) Extension of cultivation under the Chepad channel.	Rajoly	.. 16th August 1922.

Control of motor traffic in Madras.

620 Q.—Mr. S. SOMASUNDARAM PILLAI : Will the hon. the Law Member be pleased to state—

(1) whether it is intended to add to the number of inspectors and sub-inspectors of police for controlling motor traffic in the City of Madras ;

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- (2) (a) what is the number of appointments proposed to be made ;
 (b) how many of these additional appointments are to be filled up by Hindus, how many by Muhammadans and how many by Anglo-Indians ; and
 (3) whether the additional appointments are to be filled in by policemen already in service in the City Police with previous experience of control of motor traffic or from the mufassal police and in what proportions ?

A.—(1) Yes.

(2) (a) One inspector and four sub-inspectors.

(2) (b) & (3) The Government have no information.

Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB :—" With reference to the answer to question No. 620 (2) (b) may I know if the Government will call for the information ?"

The hon. Mr. K. SRINIVASA AYYANGAR :—" No, Sir. It is not our practice. At present I do not know whether the appointments cannot be made by the Commissioner of Police himself."

Demarcation stones in the Presidency.

621 Q.—Mr. A. TANGAVELU NAYAGAR : Will the hon. the Member for Revenue be pleased to state in a tabular form—

(a) the demand and collection under 'Repairs and Renewals' of demarcation stones in the several districts of the Presidency during the year 1921-22 as also the amount realized in each district by the adoption of coercive process such as sale of immovables, etc. ;

(b) whether the Government are aware that the ryots are put to a good deal of inconvenience and loss by the Revenue officers inspecting the demarcation stones at their whims and fancies without any regularity, and by issuing demands frequently ;

(c) whether the Government are aware that as the work of repairing or planting demarcation stones is generally done by the village menials concerned as part of their legitimate duties and the amounts advanced by the Government for engaging coolies for the said purpose are misappropriated by the revenue inspector and karnam, the major portion going to the former, even unrepaired stones are shown as having been repaired and the ryots charged therefor, and that the report of the revenue inspector is final, the fraud not being easy of detection ?

A.—(a) A statement showing the demand and collection under renewal and repair of survey marks in the several districts of the Presidency during the year 1921-22 is annexed.* Information regarding the amount realized in each district by the adoption of coercive process is not available.

(b) Under the Survey and Boundaries Act the ryot is bound to keep the survey marks on or within the boundaries of his

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holding in good repair and renew them if missing. If he fails to do so, the revenue inspector as survey officer can, under the rules issued under the Act, have the work carried out and recover the cost from the ryot. No complaints have been received of the alleged inconvenience and loss.

- (c) Under existing orders the services of village menials utilized in connexion with maintenance work are treated as hired labour and they are remunerated accordingly. No complaints have been received of the alleged misappropriation by revenue inspectors and karnams.

Mr. A. RANGANATHA MUDALIYAR :—“ Are the ryots concerned allowed an opportunity to repair or renew these stones before the survey officers undertake the work ? ”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :
“ The department always welcome the ryots' doing it.”

Mr. A. RANGANATHA MUDALIYAR :—“ Are the ryots intimated of such repairs and renewals ? ”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :
“ I believe so.”

Mr. A. RANGANATHA MUDALIYAR :—“ Is there anything in the rules which compels the officers to issue any notices so that the hon. Member believes it to be so ? ”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :
“ There is no rule enforcing the issue of a notice, and we shall probably have a lively discussion on it when the Bill is introduced.”

Mr. A. RANGANATHA MUDALIYAR :—“ As regards the fees levied and the number of stones, are the fees in proportion to the number of stones laid ? ”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :
“ The calculations are made with reference to the time and labour.”

Mr. A. RANGANATHA MUDALIYAR :—“ I want to know whether the fee levied is in proportion to the number of stones laid ? If ten stones are laid, is the value of the officer distributed over all the ten stones or how ? ”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :
“ The cost is in proportion to the work done by a particular individual.”

Mr. A. RANGANATHA MUDALIYAR :—“ Sir, I appeal to you to get me an answer to my question ? ”

The hon. the PRESIDENT :—“ I do not think this is a function I can undertake.”

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APPENDIX.

[Vide answer to question No. 621 asked by Mr. A. Tangavelu Nayagar at the meeting of the Legislative Council held on the 20th December 1922, page 1037 supra.]

Statement showing the demand and collection under renewal and repair of survey marks during 1921-22.

District.	Cost of stones and hired labour.			Fees for the time and labour of revenue inspectors.		
	Demand.			Collection.		
	RS.	A.	P.	RS.	A.	P.
Ganjam	2,031	13	0	2,542	0	4
Vizagapatam	506	10	0	360	10	9
Godavari	1,795	3	5	2,403	14	5
Kistna	3,667	13	8	4,309	13	1
Guntur	1,685	12	0	1,617	4	0
Kurnool	2,130	10	1	2,270	2	4
Bellary	5,472	12	1	5,439	14	8
Anantapur	2,381	1	4	2,569	13	2
Cuddapah	5,422	9	0	6,172	5	7
Nellore	470	13	6	639	15	7
Chingleput	806	15	10	745	10	1
Chittoor	1,166	14	10	1,137	11	1
North Arcot	802	4	6	842	0	0
South Arcot	424	9	4	439	15	10
Tanjore	2,807	6	8	1,364	7	6
Trichinopoly	3,516	2	6	2,219	5	2
Madura	1,154	0	0	2,250	14	4
Ramanad	1,593	2	8	1,351	7	5
Tinnevelly	1,814	0	9	2,189	14	10
Salem	560	1	6	724	13	7
Coimbatore	2,101	1	1	2,597	9	3
Malabar	3,127	4	10	3,970	13	7
South Kanara	899	0	9	797	3	0
The Nilgiris	356	3	0	377	2	9

Note.—The figures under collection include also the amounts realized during 1921-22 on account of the arrears of previous years. Figures regarding the amount realized out of the demand for 1921-22 alone are not separately available.

III

DURATION OF THE MEETINGS OF THE COUNCIL IN JANUARY AND FEBRUARY 1923.

The hon. the PRESIDENT :—"I may inform the House that I propose to adjourn the Council on Friday next, after that day's work is over, to meet again on Monday the 29th January 1923. That meeting will be one of five days' duration—from Monday the 29th January to Friday the 2nd February. On 17th November last, I informed the House that, so far as could be foreseen at that time, there would not be any Government work to justify a meeting in January 1923; but His Excellency the Governor has since decided otherwise and the present announcement is made accordingly. Should the state of the Government business left over at the end of the January meeting demand it, there will be another meeting towards the end of February 1923, which will be held on the 23rd and 24th and, if necessary, on the 26th, and the budget will be presented on the 27th February 1923.

[The President]

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This provisional programme of Council work in January and February will, I trust, be of help to hon. Members in forecasting their engagements for these months."

Diwan Bahadur P. KESAVA PILLAI (DEPUTY PRESIDENT):—"May I respectfully ask, Mr. President, if the resolutions are taken into consideration in fixing the number of days for the next meetings? A number of resolutions are heaped up."

The hon. the PRESIDENT:—"In the matter of fixing these days, I understood from several members that about five days will be the most convenient period for them to sit, and our practice in this Council has been, as soon as the Government work is over, to devote the whole of the remaining time to non-official work. For instance, during this sitting we shall have, I think, the whole of Friday for resolutions, and there have been meetings when we had two days, three days and four days for resolutions. But it is open, I believe, under the Standing Orders, for His Excellency to allot a particular time for non-official business. If it is the wish of the hon. Member that it should be so, I am prepared to move His Excellency in the matter; but if that is done, there is just the contingency that, when the Government work gets through earlier than is expected, there will not be any other work, and we shall have to adjourn and keep quiet till the non-official work is taken up on the day set apart for it. It is entirely for non-Members to consider what they think to be more convenient for them, but the present practice, I understood, is one which meets the wishes of most hon. Members. But if it is the wish of the Deputy President that His Excellency should be moved to fix a day for non-official work, I believe he can do it by moving an address to His Excellency to that effect."

Diwan Bahadur P. KESAVA PILLAI (DEPUTY PRESIDENT):—"Is it to His Excellency, Sir, or should I submit the matter to you? There is considerable discontent among the members and more discontent among the constituents that most of these resolutions have been put off from session to session."

The hon. the PRESIDENT:—"The information that I have had from several members is somewhat different from what the hon. the Deputy President has stated. But the best thing for him will be to table a resolution, stating exactly his wishes in the matter. I shall be glad, so far as I have the power to do so, to give effect to those wishes, and if the matter is one for His Excellency to consider, I shall put before him the wishes of the House."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"There is, no doubt, Sir, that there are some resolutions of great and urgent importance which we have held over, and there is no way of bringing them up for discussion. As to how this can be done is a matter which has to be thought over. If the resolutions are taken up in their order, there is the contingency that the important ones may not be reached at all, and certainly we cannot make these latter matters of urgent public importance and ask for an adjournment of the House to discuss them. So we are met with difficulties all round and it is a matter for which a remedy cannot be even offered or suggested at the spur of the moment."

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"I have only one word more, Sir, to say. I should like the hon. the Leader of the House to make a statement as regards the Government business that is likely to be brought up in January so that we may be in a position to know, without being surprised by something like the two days' notice as in the case of one of the Bills on the agenda, what business will be brought up in the next session of the Council. I wanted to suggest this at the last meeting, and I hope, before the meeting is adjourned, the Government may make a statement as regards the business which they wish to place before the House at the next meeting."

The hon. Sir CHARLES TODHUNTER :—"I shall be very glad to endeavour to comply with the hon. Member's request."

The hon. the PRESIDENT :—"So far as the state of business is concerned, the proper thing would be for us to appoint a committee consisting of members of all parties to consider this question; the arrangement of the resolutions is done by ballot and I do not think it is open to us, unless we change the Standing Orders, to alter that practice. I should not change it on my own responsibility and, as the hon. Member has said, there may be resolutions which are of importance and which find a place very low down. But if it is the wish of the House to change the practice, the question should be brought up as an amendment to the Standing Orders, or, better still, the House may have a committee to consider the whole question and to report thereon. So far as I am concerned, I have only to give the assurance, which I have already given, that I will certainly endeavour to carry out the wishes of the House, and where those wishes could be carried out only by His Excellency the Governor, I am prepared to place before him the considered wishes of the House for consideration."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"I do not know if the hon. the Leader of the House is interested in the setting up of the non-official business to be done in this House. If he is, I would suggest that he should be the person to move for the appointment of a committee such as the one indicated by you, Sir."

IV

DEMANDS FOR SUPPLEMENTARY GRANTS FOR 1922-23.

Grant VII.

The hon. Mr. A. R. KNAPP :—"Mr. President, I beg to move

'that the Government be granted a sum of Rs. 13,662 under 22-A (a)—General Administration—Staff and household of the Governor—Personal staff of His Excellency the Governor of Madras and His Excellency the Governor's Bodyguard for additional expenditure anticipated on the Bodyguard of His Excellency the Governor during the current year.'

"I may explain, Sir, that this does not represent any enhancement in the scale of the establishment employed over that which has hitherto been employed and for which the Council at the budget meeting intended to provide. The position is this. Up to last year the charges for the Bodyguard were not brought before the Council at all. They were a military item provided for in the military budget. The Military Secretary, when called upon for the first time to make an estimate of this year's expenditure to be placed on our budget, found himself with very limited data and did

[Mr. A. R. Knapp]

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the best he could to make a more or less rough estimate of the amount of money which would be required under the various services of the Bodyguard. The amount which was thus provided for was Rs. 1,35,000, and that is included in the item of Rs. 2,10,000 found in the budget. The Military Secretary by the end of September found that he had already spent on these services Rs. 88,434 and he anticipated that he would require for the rest of the year Rs. 62,141. This gives a total of Rs. 1,50,575 and leaves it short by Rs. 14,862 of the sum required to maintain the sanctioned scale. Of this sum Rs. 1,200 is non-voted and will be met by re-appropriation. I now ask the Council to sanction the grant for the balance of Rs. 13,662 required for the maintenance of the establishment."

The motion was put and the grant was made.

Grant XVII.

The hon. the RAJA OF PANAGAL:—"Mr. President, I beg to move

'that the Government be granted an additional sum of Rs. 33,100 under 32. Medical for making arrangements for the teaching of bio-chemistry in the Medical College, Madras.'

"Sir, the importance of bio-chemistry in the diagnosis of diseases was prominently brought before the notice of the Government when, some time back, the Surgeon-General made a proposal that a selected Assistant Surgeon should be sent on deputation to England to be trained in that subject. The idea then was that that officer so trained should be employed as a bio-chemist for all State hospitals. Later on, however, that proposal was abandoned in favour of another. According to the latter proposal, instead of sending a man on deputation to England for training the services of an expert officer were to be had. If the services of an expert were available, it was thought that not only would the Government have the immediate service of that expert, but it would be possible to train a number of assistant surgeons whose services might be used as bio-chemists in the mufassal hospitals. But on account of financial considerations the Government could not proceed with this proposal.

"Now, Sir, the case for the appointment of a bio-chemist in the Madras Medical College has become more urgent. The British Medical Council has declared that from the 1st January 1923 bio-chemistry must be made a compulsory part of the studies of medical students in Great Britain. In recent years, bio-chemistry has gained very great importance and surely the British Medical Council will insist upon the teaching of bio-chemistry in the Madras Medical College on pain of withdrawing the recognition of the Madras M.B. & B.S. Degree. Sir, the University of Madras has also urged on the Government to appoint a professor to teach both bio-chemistry and bio-physics.

"In these circumstances, Sir, the appointment is necessary and it has been arranged to have an expert on a temporary agreement system for three years and the cost of his appointment for three years is estimated at Rupees 83,000 and odd. Out of this we require Rs. 33,100 for the current year. The details of this estimate are: Rs. 1,000 for passage, Rs. 5,000, pay for four months, Rs. 27,000 for equipment and Rs. 92 for the pay of an attendant; altogether in round figures Rs. 33,100. I hope and trust the Council will agree to this grant."

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Grant XVII—cont.

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" I should like to ask the hon. Member in charge of Local Self-Government what the pay of this officer will be."

The hon. the RAJA OF PANAGAL :—" Rs. 1,250 a month."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" I should also like to know whether it is proposed to recruit this officer by advertisement."

The hon. the RAJA OF PANAGAL :—" Yes ; I think, by the High Commissioner."

Rai Bahadur T. M. NARASIMHACHARLU :—" May I know, Sir, what bio-chemistry means, and how it will help in diagnosing diseases ?"

The hon. the RAJA OF PANAGAL :—" It deals with the chemical side of biological process."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" I wish to make one suggestion, Sir. During my perigrinations to the British Universities, it was brought to my notice that these medical appointments, especially the professional appointments in the medical colleges, were not properly advertised in those universities and it was suggested to me that the best way of staffing the Indian universities was to get the best men out of those who were already engaged in teaching in the British Universities. In the interest of the medical profession—not in view of this particular service or that particular appointment, but in the interest of proficiency in teaching in our universities—I suggest that the men should be recruited either from the British or other Universities. I wish to know if this is what is proposed to be done."

The hon. the RAJA OF PANAGAL :—" It is proposed to have the services of this special officer through the Secretary of State and the High Commissioner."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" Is it proposed to advertise this appointment ?"

The hon. the RAJA OF PANAGAL :—" The discretion is left to the Secretary of State."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" Then I must enter a word of protest. I think that if the Local Government has any degree of interest in the appointment, it must make its best effort to get the best man and it should not leave the matter to the Secretary of State. That is exactly the point that I wanted to press."

The motion was put and carried and the grant was made.

V

(1)

A BILL TO AMEND THE MADRAS CITY MUNICIPAL ACT, 1919.

The hon. the RAJA OF PANAGAL :—" I beg to move, Sir, that the Bill further to amend the Madras City Municipal Act, 1919, be read in Council. Sir, the Bill is more or less a formal one. It has been published in the gazette and the statement accompanying the Bill explains its objects and reasons."

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The hon. Rai Bahadur K. VENKATAREDDI NAYUDU seconded the motion.

Rao Bahadur A. S. KRISHNA RAO PANTULU :—“ I only wish to point out that this Bill is not quite so non-controversial a measure as to be passed at this sitting of the House. It was published in the *Port St. George Gazette* only on the 12th of this month, and would have reached mufassal Members about the 14th or 15th. I do not know if any translation of it has been published in the vernacular. If the Bill is merely to be introduced and not passed at this sitting, I would not have considered it necessary to make this suggestion that the hon. the Minister would do well to give sufficient time for all possible views to be expressed before it is taken up for consideration. It will be remembered that the City Municipal Act was passed only in 1919 and it is for the purpose of amending an important provision of it that this Bill is brought forward. The information now before us is to the effect that about thirteen members of the Corporation have given notice of a resolution dealing with this Bill and the Corporation has not considered it. I leave it to the Members to consider whether it is not a case in which we had better have a definite opinion of the Corporation. Seeing that the time allowed for the consideration of the Bill is less than a week—the Bill was technically published on the 12th and communicated later than that—it is better that it is taken up at a future date.”

The hon. the RAJA OF PANAGAL :—“ Sir, the hon. Member, Mr. A. S. Krishna Rao, himself has admitted that the Bill is one of a non-controversial nature. It does not interest the mufassal Members as it does the Members of the city. Sir, this first amendment in the Bill has been found rather urgent because it provides for the appointment of the Corporation officers as honorary officers and so on wherever their services are necessary. In fact, Sir, the services of the present Commissioner will be required in connexion with the running of the show of the proposed industrial exhibition. So, if we delay the passing of this Bill, it will not be possible to have the services of the Commissioner in connexion with the running of the exhibition. In these circumstances, Sir, it is found necessary to have this Bill passed as early as possible.”

Rao Sahib U. RAMA RAO :—“ Mr. President, there is no urgency at all to pass this Bill at present, because the Madras Corporation who are entirely responsible for the administration of the City Municipal Act have not passed a resolution desiring such an amendment in their meeting. They do not ask for any amendment of the Act. The history of this amendment is this. The present Commissioner of the Madras Corporation, in addition to his appointment as a Commissioner of the Corporation, is holding some other appointment and drawing some money.”

The hon. Mr. K. SRINIVASA AYYANGAR :—“ He is not holding any such appointment, Sir.”

Rao Sahib U. RAMA RAO :—“ He was holding anyhow the office of the Urdu translator to Government. According to the Act, the Commissioner of the Corporation must be a full-time man. So the audit department objected to the present Commissioner holding any other appointment except that of the Commissioner of the Corporation. He had therefore to resign that appointment. It is to enable the Commissioner to hold that appointment again that this Bill has been brought before this Council. As one of the ways of hiding that man the names of the Health Officer and the Revenue Officer are added to it.”

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The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—" I do not know whether it is open to members of this House to impute motives."

Rao Sahib U. RAMA RAO :—" There is no motive at all. This Bill is brought before the Council to show to the members that it is to enable the Commissioner to hold honorary appointments. Sir, as it is, the Commissioner is burdened with any amount of work. We pay a large amount of his pay and the ratepayers of the city expect that every pie should be utilized for the services of the Corporation. In these circumstances we do not want the Commissioner to undertake any other office except that already entrusted to him. The other officers have all got enough to do and in fact they have been complaining of too much work. So I oppose this Bill being permitted to be read in this Council."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" May I know whether the views of the Corporation as regards the proposals contained in this Bill have been ascertained before it was brought before this Council? The officers are really their servants and we should know whether they are agreeable to this proposal apart from any other question. If it is a matter of such great urgency, I think my hon. Friend should have taken the ordinary course and asked for the suspension of rules to pass this measure."

Khan Bahadur MUHAMMAD USMAN SAHIB :—" Sir, I beg to support the motion made by the hon. the Minister for Local Self-Government. It was stated that this Bill was brought to remove the difficulty regarding the holding of the Persian translator's post by the present Commissioner. Even supposing that this is the reason I do not see anything wrong in it. The question whether the services of the present Commissioner could be utilized as a Persian and Hindustani translator to the Government came up before the Corporation and in a resolution they unanimously approved of the suggestion made by Government. Therefore the Corporation has already committed itself to the position now taken up by the hon. the Minister in this Bill. Now, Sir, the question does not arise with regard to that consideration at all. The question I am led to believe arose in this way. The present Commissioner happens to be the examiner of the University in Persian and Hindustani and objection seems to have been taken to it. Therefore this motion is brought before us to-day. Further the Health Officer of the Corporation is doing highly specialized work in public health and that knowledge must be communicated to others. But according to the interpretation now put on the Act he is unable to give lectures to the sanitary inspectors and to the B.S.Sc. students of the Medical College. In these circumstances the Minister thought it was much better to move this amendment. I therefore give my hearty support to the Bill."

Diwan Bahadur Sir P. TYAGARAYA CHETTIYAR :—" Mr. President, I am very sorry to see that my friend, Dr. U. Rama Rao, has been imputing motives to the Government. However, I may tell you how the matter stands. There was a time when the present Commissioner was a translator to the Government. The Government asked the Corporation to give its opinion in the matter, and as Mr. Usman Sahib said, the Corporation had unanimously given its consent and allowed him to take up other work. Now, Sir, another difficulty arose and that is about the coming exhibition. And this Bill, as the hon. the Minister observed, is the outcome of it. There was also another trouble in the case of Mr. Madley who has been asked by the University to deliver a series of lectures. In this way the matter is coming before the

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Council to utilize the services of municipal officers in other ways. These municipal officers are experts in certain branches and their services ought to be utilized in other ways whenever they are needed. I do not see why their services should be utilized by the Corporation alone and not by the Government. It is to avoid this difficulty that this Bill is brought forward. There is also a safeguard in the Bill that the services of these officers will be utilized only when the permission of the Government as well as the Council is obtained. If the Council were to think that a man ought not to be allowed they can then pass a resolution. In these circumstances, I support the motion."

The hon. Mr. K. SRINIVASA AYYANGAR :—"I only want to remove a misapprehension which may be caused in the minds of the members of this Council. The present Commissioner of the Corporation happens to be the Chairman of the Urdu and Hindustani Board in the University of Madras. When suddenly we were left without a Persian and Hindustani translator it struck me that that gentleman could attend to the duties temporarily till a permanent officer was appointed. I take the responsibility, Sir, for having appointed him temporarily. The department is under my charge. When my attention was drawn to the wording of

11-45 a.m. this section in the City Municipal Act, we asked him to resign, and he did resign immediately. It often happens that we want examiners to examine the students in the Persian, Hindustani and Urdu languages; and this gentleman was on occasions appointed to do examining work. He has now done some examining work for which he is entitled to a certain amount of remuneration. The question has been raised whether he can receive it, and the matter is still under consideration. In these circumstances, especially looking to the wording of the present section that a Commissioner of the Corporation shall devote the whole of his time for his work—I take it this means his official time and not all the 24 hours—there is a doubt raised whether he can occasionally be an examiner and whether he can do any honorary work for the University. Even in the case of Government servants who are full-time officers of the Government, the Government allow them to take up honorary work and also to receive occasional remuneration. In order to clear the ambiguity, though it was suggested that the existing section does not prevent the Commissioner from doing any honorary work and from taking occasional remuneration for occasional work, it was thought safe to amend the section so as to bring it in conformity with the usual rules regulating Government servants."

Rao Sahib C. NATESA MUPALIYAR :—"Sir, Mr. President, I strongly support the motion now before the House. Of course, if the services of our Commissioner are indispensable to the Corporation to the fullest extent in the interests of the public, there are sufficient safeguards for that. As my leader has remarked, the consent of the Corporation and the Government is a pre-requisite. Moreover, our Commissioner is such an energetic officer that our work in the Corporation will not suffer."

The hon. the RAJA OF PANAGAL :—"I must say, Sir, that the motive which my hon. Friend, Mr. Rama Rao, has attributed to the Government is at best gratuitous. On a former occasion the Corporation was asked if the services of its Commissioner could be utilized for special work, and the Corporation said it had no objection. In the present case why the demand

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has not come from the Corporation is because the urgency is for the Government and not for the Corporation. The show of the exhibition is to be run by the Government and not by the Corporation, and that is why it is the Government that are interested. That is the reason why the request has not come from the Corporation. Three of the Corporation members who have taken part in the debate on this motion have stated that they have no objection to the Bill being passed. The provisions of the Bill insist on the previous approval of the Corporation for the utilization of the services of these officers either by the Government or by any other body. In these circumstances I do not see any reason why there should be any objection to the passage of the Bill."

The motion was put and carried.

The Secretary then read the title of the Bill.

The hon. the RAJA OF PANAGAL :—"Sir, I move that the Bill be not referred to a Select Committee."

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—"I second the motion."

The motion was put and carried.

The hon. the RAJA OF PANAGAL :—"I request the hon. the President to suspend the operation of Standing Order No. 39."

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—"I second it."

The hon. the President suspended the operation of Standing Order No. 39.

The hon. the RAJA OF PANAGAL :—"I move that the Bill be taken into consideration at once."

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—"I second the motion."

The motion was put to the Council and carried.

The hon. the RAJA OF PANAGAL :—"I now move, Sir, that the Bill be passed into law."

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—"I second the motion."

The motion was put and carried, and the Bill was passed into law.

(2)

IA BILL TO REGULATE STATE AID TO INDUSTRIES, 1922—*cont.*

Consideration of the Bill to regulate State aid to Industries, 1922, was then resumed.

Clause 3.

Sub-clause (2).

Mr. A. RANGANATHA MUDALIYAR :—"Sir, I beg to move

6. (i) *After the words 'banking interests' insert the words 'and mufassal or cottage industries'.*

(ii) *Omit the words 'one of'.*

(iii) *For the words 'a person' substitute the words 'as far as possible, persons'.*

(iv) *Omit the full stop at the end and add the words 'or industries'.*

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Clause 3—cont.

“The sub-clause, if amended as above, will read thus: ‘The Chairman and the remaining members shall be appointed by the Local Government by notification in the *Fort St. George Gazette*, provided that, if banking interests and mufassal or cottage industries are not represented by election, the persons so appointed shall be, as far as possible, persons representing such interests or industries’.

“I do not think many words are necessary, after the discussion yesterday, in support of the amendments I have ventured to place before the House. It seems to me to be of imperative importance that mufassal interests should also be represented in this committee. Again, as admitted by the hon. the Minister for Development, cottage industries are likely to play an increasing part in the progress of the country. Therefore, Sir, it seems to me essential that these industries also should be represented on the committee by at least one member. I therefore move these amendments.”

Mr. T. SIVASANKARAM PILLAI :—“I second the amendments.”

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—“Sir, I submitted yesterday, in asking my hon. Friend, Mr. Gopalakrishnayya, to withdraw his motion that I was perfectly willing to satisfy the House on the points raised in the amendments before the House. In order to avoid a number of amendments and in order to make the clause clear, I drafted a clause myself incorporating the amendments of my friend, Mr. Ranganatha Mudaliyar, and showed it to him and he has accepted it. It runs thus:

Provided that if banking or mufassal interests or cottage industries are not represented by election the members so appointed shall include, as far as possible, persons who represent such interests or industries.

“I wish to substitute this for the existing proviso in sub-clause (2).”

Mr. A. RANGANATHA MUDALIYAR :—“As already indicated, I have accepted the proposal of the hon. the Minister. Whatever formal procedure is necessary for introducing the change, I am willing to accept.”

The hon. the PRESIDENT :—“The hon. Member, Mr. Ranganatha Mudaliyar, has first to withdraw his amendments with the permission of the House and then the hon. the Minister may, with the permission of the House, move his amendment.”

Mr. A. RANGANATHA MUDALIYAR :—“I beg leave to withdraw my amendments, Sir.”

The amendments were by leave withdrawn.

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—“I beg your permission and the permission of the House, Sir, to move the following amendment :—

For the proviso in sub-clause (2), substitute the following :—

‘Provided that if banking or mufassal interests or cottage industries are not represented by election the members so appointed shall include, as far as possible, persons who represent such interests or industries.’ ”

The hon. the RAJA OF PANAGAL :—“I second the amendment.”

Sriman SASIBHUSHAN RATH Mahasayo :—“I move, Sir, that the words ‘as far as possible’ in this amendment be omitted.”

“Mr. M. SURYANARAYANA PANTULU :—“I second it.”

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Clause 3—cont.

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—“ I oppose the amendment, Sir. The words ‘as far as possible’ are taken from the original amendment of Mr. Ranganatha Mudaliyar. My amendment is a compromise between us. The second point is, if the hands of the Government are tied down, the nomination will be a very difficult task.”

Sriman SASIBHUSHAN RATH Mahasayo :—“ The point is this. No doubt, provision is made for election. But if these banking or mufassal interests and cottage industries are not represented by election and if the words ‘as far as possible’ are not removed, it will not be binding on the Government to appoint persons representing these interests or industries.”

The amendment of Sriman Sasibhushan Rath Mahasayo was put and lost.

The amendment of the hon. Rai Bahadur K. Venkatareddi Nayudu was put and carried.

The following amendment was not moved and was therefore deemed to have been withdrawn :—

New proviso.

Rao Bahadur K. GOPALAKRISHNAYYA :—

7. *Add the following as proviso at the end of the clause :—
‘provided that no member of the Board of Industries shall be so disqualified if he is a shareholder (other than a director) of an incorporated company.’*

Clause 3 as amended was put and carried and added to the Bill.

Clause 4.

12 noon.

Clause 4 was passed and added to the Bill.

Clause 5.

Sub-clause (1).

The following amendment standing in the name of Mr. S. Arpudaswami Udayar was not moved and was therefore deemed to have been withdrawn :—

8. *In item (b) after the word ‘areas’ insert the words ‘which are eminently suited for the same and’*

Rao Bahadur K. GOPALAKRISHNAYYA :—“ Sir, I beg to move the following amendments :—

9. (i) *in item (c) after the word ‘industries’ add the word ‘or’.*

(ii) *Add the following as item (d) :—
‘agricultural or horticultural industries.’*

“ In my amendment there are three items, of which I do not move the first item, viz., in item (b) omit the last word ‘or’. I move the other items ; that is, as amended, the sub-clause will read as follows :—

“ The industries to which aid may be given under this Act shall be such as have an important bearing on the economic development of the country and shall be :

(a) *new or nascent industries, or*

(b) *industries to be newly introduced into areas where such industries are undeveloped, or*

(c) *cottage industries, or*

(d) *agricultural or horticultural industries.*

[Mr. K. Gopalakrishnayya]

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Clause 5—cont.

"On reading this clause I was struck by the fact that the agricultural and horticultural industries have been omitted from this Bill. We know, Sir, that this country is pre-eminently an agricultural country and three-fourths of the people live by agriculture. Prominence will have to be given to agriculture. In this connexion I may bring to the notice of the hon. the Minister that on the occasion of opening the paddy farm at Maruthukudi at which His Excellency the Governor presided, the hon. the Minister made the following remarks :

Agriculture is the key industry of this country, and whatever attempts we may make in bringing about the industrial regeneration of this land, agriculture must remain the key industry of this country for generations to come, and in any attempt to increase the national wealth of this land this industry of agriculture must take the first place in the consideration of the Government.

"So here is an opportunity for the hon. Minister to put into practice what he said then. With that purpose I move the amendment so that agricultural aid also may be given to the agriculturists."

Mr. J. KUPPUSWAMI seconded the amendment.

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—"Sir, I do not yield to my hon. friend, coming as we both do from agricultural communities, in estimating the importance of agriculture in this land at its proper value ; nor do I, for a moment, withdraw a word of what I said on the occasion to which reference has been made by my hon. friend. But this Bill is intended solely for the purpose of developing industries as such. No doubt in one sense agriculture gets the name of industry. The whole problem of agriculture is a very wide one, and my hon. friend will agree with me when I point out that it has an importance of its own which has to be dealt with separately. I have for some time been considering the question of agricultural development. The question, as is just now pointed out, is so very vast and wide that it is very difficult to come to any conclusion. I have not been able yet to place certain schemes, which I have in my mind, before my colleagues in the Cabinet. And I can assure my hon. friend that I have given some attention to this subject, and the one great difficulty which I have been feeling for some time past is the unfortunate division of properties into small holdings. That is the problem which I have been trying to tackle for some time past, but it extends beyond my field, and I have to obtain the co-operation and assistance of others in arriving at conclusions in that matter. However I may tell my hon. friend that I have this question of agricultural development in my mind and that I have been giving my best attention to it, and I hope before the end of next year I may be able to present a scheme acceptable to the House and to the public."

Mr. A. RANGANATHA MUDALIYAR :—"Sir, the idea of the mover is that something should be done to develop agricultural industry. I want to know if it is not possible to do it under the Land Improvement Loans Act and the Agriculturists' Loans Act which are already on the statute. I think this will be an additional reason to urge on the hon. mover to withdraw his amendment."

Rao Bahadur K. GOPALAKRISHNAYYA :—"I gather from the hon. Minister's speech that he is intending to introduce a measure separately for agriculture. In that case it will be very beneficial to the public. May I take it that he is going to introduce another Bill for agriculture?"

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Clause 5—cont.

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—"As I said, it will have to receive the previous sanction of the Cabinet and it requires a little more study from me. So far as I am concerned, I have no objection."

The amendment was, by leave, withdrawn.

Sub-clause (2).

Rao Bahadur C. V. S. NARASIMHA RAJU :—

In item (b) after the words 'from time to time' insert the words 'designing to give an opportunity to small investors, and'.

"The object of this amendment is this: now, as the Bill stands, it gives aid to individuals taking interest in industries and also it gives an opportunity for joint-stock companies to have State aid. But the question remains as to what sort of companies must be aided by the State. There may be companies where the shares are limited only to big investors, a share being of the value of Rs. 1,000, 2,000 and so on. The object of my amendment is that in all cases where Government intend to give State aid to joint-stock companies the companies must be floated on such a basis that small capitalists may take shares in them. I may be permitted to say that this is not my idea, but it is found in the Report of the Industries Commission. At page 185, paragraph 298, they say :

In order to secure that the opportunity of subscribing to such undertakings is open to all classes of the public, we think that Government should control the allotment of shares, for example, by formulating rules designed to give an opportunity to small investors to joining in industrial enterprises and to induce the Indian public to take any interest in industries.

"Now, this clause is intended to give power to the Government to make rules. I think the Government may be given the power to frame rules so that such companies as have their shares on a small basis and ordinary individuals may take interest in the industrial development of the country. With these few words I commend this amendment to the acceptance of the House."

Sriman SASIBHUSHAN RATH Mahasayo seconded the amendment.

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—"I beg to oppose this amendment. If this amendment is accepted it will mean that we are practically restricting our aid to such associations or big companies which conform to our rules prescribing the value of a share. No doubt, small shares will enable small investors to put in their money. While I am in sympathy with them, I shall certainly oppose, Sir, any measure which will put inconvenient restrictions upon investors.

"Then, Sir, we have also got the Board which will examine any application for aid under this Bill. Certainly, if the Board thinks that the shares are so very large that it will not benefit the class of people whom they like to help, it is entirely at liberty to reject the application. After all, there are the Board and the Government who have got the leading strings in their hands. Any restriction as regards shares will make capital shy and such enterprise as may be forthcoming may be chilled. I would therefore request my hon. friend not to press his amendment."

Rao Bahadur C. V. S. NARASIMHA RAJU :—"Mr. President, I am unable to accept the salutary advice given by my hon. friend the Minister for Development. The reason why I gave notice of this amendment is exactly

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*Clause 5—cont.**Sub-clause (2)—cont.*

the reason which he has now put before the Council. I know that the strings will be in the hands of the Government and the Board. The position of the Board is only advisory and the final orders of Government are mere executive orders. As representatives of the people, it is, I think, our duty to demur to the demand from the executive to put as much power in the hands of the executive as is desirable. The hon. the Minister has not said that the principle is bad. He says that it may create inconvenience to Government in granting applications."

The Hon. Rai Bahadur K. VENKATAREDDI NAYUDU:—"Not to the Government, but to the organisers and promoters."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"That is exactly the reason why I want to press the amendment. My point is this, that public money is to be given as aid to the public, and as many people as possible should be given an opportunity to have a share in the profits of the undertakings. It is the duty of the State to regulate the share capital in such a way that small capitalists take interest in the industrial development of the country, and the shy capital, however small it may be, comes out for the development of the country. With these words, I commend this amendment to the acceptance of the House."

Dr. JOHN MATHAI:—"I want to mention in this connexion that all the industries which have not been referred to here, except the cottage industries, are new industries. That is to say, they are industries the possibilities of which have not been sufficiently realized by the country and about which there is bound to be a certain sense of risk in the minds of the investors; and I want to ask if these are the industries likely to appeal to investors. From a practical point of view, I want to suggest that the matter is not quite so important as the hon. Member seems to think."

Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"I am not able to follow the argument of Mr. Narasimha Raju. In the Bill, aid is given not only to companies but also to individuals. This includes small investors also."

12-15 p.m. "And then, Sir, the provision which he wants to be added would mean an interference with the arrangements of the company itself. I do not know whether it is proper or necessary for the Government to make rules as regards the internal arrangements of a company. In the beginning a company may not care for any aid from the Government, but it may come to a position in which it may require such aid. Is it to alter its constitution simply because it has to go to the Government for aid, or is it to deny itself the advantages which this Bill will otherwise give it? I therefore think that there are difficulties in accepting the amendment as proposed and I do not think it will be for the benefit of industries for which this Bill is intended. For these reasons I oppose the amendment."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"Sir, it was said that in the case of new industries small capitalists might be shy in investing their money. When the share amount is fixed, a rich man with an overflowing purse may take a thousand shares, whereas a small capitalist may satisfy himself by taking one or two shares. I do not understand how the situation may be made difficult in the eyes of the expert on industrial questions in this House."

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Clause 5—cont.

Sub-clause (2)—cont.

The hon. the PRESIDENT :—“ Does the hon. Minister in charge want to say anything in reply ? ”

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—“ No, Sir.”

MR. V. P. PAKKIRISWAMI PILLAI :—“ Mr. President, Sir, I understand that my hon. friend who moved the amendment wants that aid should be given to those companies which issue shares of the value of Rs. 10 or Rs. 15 each, or for such small sums. If the Government has to give preference to such companies alone, I am afraid the Government or the Board will have to make elaborate inquiries as to which company they should prefer. Such inquiries alone will take a very long time, as lots of cases will have to be examined. Heaps of applications may come from poor companies and Government will have to sanction them, if it is to be laid down that they should be given preference. We cannot pull on for a long time if help is given only to such sort of companies, and Government may not be able to help really deserving big companies. So I think that, in the interests of the public, the Government ought not to be fettered by any such restrictions as are suggested in this amendment. Besides, as industries are a transferred subject, we can safely let the Bill pass as it is, and if in course of time we find that it is not being worked to the benefit of the vast majority of the people, we can bring in amendments to the Act. With these remarks, I oppose the amendment.”

MR. C. V. VENKATARAMANA AYYANGAR :—“ I want to say a few words, Sir, in opposing this amendment on two practical points. My opinion is that the amendment is very vague. It is not clear who is a small investor and who can call himself a big investor. By big investment, we may mean even a crore or two crores of rupees ; but even shares valued at Rs. 50 each may be considered big when dealing with companies with a capital of Rs. 10,000. Even shares valued at Rs. 1,000 each will not be big in large companies as the ‘Tatas’ companies. So it must be defined what a small investment is. Apart from that, there is a practical difficulty. The amendment, if carried, will unnecessarily add to the working expenses of companies. Their lists of shareholders will become very big and as they will have to issue notices to all the shareholders, the printing charges, certainly, and other charges, also, will become unnecessarily high. Moreover the difficulty of the quorum may come in. It is very difficult to work if the discretion of the Government or the Board is fettered by making these small rules compulsory. I think therefore it will be better to leave the discretion entirely to the Board and the Government. Share amounts depend upon the capital amounts that are necessary for particular companies, and also on the manner of people that necessarily subscribe to them. There may be electric companies and big mills, where the value of share stands high, for instance, the Tata Electric Company in Bombay in which the shares are valued at Rs. 1,000 each. There are also manufactories with small companies where each share is worth Rs. 5 or even Re. 1. Therefore any limitation, as suggested in the amendment, will hamper the work of new industries. I therefore oppose this amendment.”

The amendment was put to the House and negatived.

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*Clause 5—cont.**Sub-clause (2)—cont.*

Rao Bahadur C. V. S. NARASIMHA RAJU :—"I beg to move the following amendment :—

11. *Add the following as a proviso :—Provided that no aid shall be given to any individual in preference to a joint stock company.*

"The spirit in which I move this amendment is identical with that of the previous amendment. Whenever an application for aid is made by an individual and also by a company, I hold that the company should be given preference over individuals. The reason is that, as it has already been stated by the hon. the Minister, the leading strings will be in the hands of the Government, but I want to take them away as far as possible from the hands of the Government and retain them in the hands of the Legislature."

Mr. M. SURYANARAYANA PANTULU seconded the amendment.

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—"The leading strings, Sir, in the hands of a Government which is responsible to this House and through this House to the country at large need not terrify my friend, as perhaps they did some time ago, unless it be that anyone here, either in the Government or in the House, should try to get out of the control of the people of this country.

"Well, Sir, coming to the amendment itself, I feel again that here is another restriction sought to be imposed on the free flow of capital. The whole purpose of the Bill has been to induce people to come forward with their capital, and to put their money in industries so that the industrial regeneration of the country may be achieved. Now, the hon. Member wants to see that no aid is given to any individual in preference to a joint stock company. Let us take half a dozen or—I do not know exactly the number of persons that can form a company—(*A voice* 'Seven'), or seven persons who may be any body, whether they may be capable or incapable of executing the work they may undertake, or whether they may be capable or incapable of carrying on the industries which they propose to start may form themselves into a company and defeat, by putting in an application to the Government, another application that may be made by an individual. There is the Board and there is the Government, and whatever the mover may say as regards the leading strings, the Board has considerable powers in spite of the fact that its decisions are advisory. If a company is forthcoming, which in the opinion of the Board and the Government is capable of carrying on successfully, can we not conceive that in such cases they will ordinarily reject an individual? I want to know why there should be all these restrictions. This is a Bill which has got to be worked with a broad mind and in a broad spirit, and to put in such restrictions as these will only go against the intentions of the Bill, namely, the helping of industries. I therefore oppose this amendment."

Diwan Bahadur M. KRISHNAN NAYAR :—"I also rise, Sir, to oppose the amendment moved by my hon. friend, Mr. Narasimha Raju. I thought very often that honest and enterprising individuals require aid more than companies. Joint stock companies are very often able to help themselves, and I cannot think that there will be many joint stock companies coming to the Government seeking their help. But it is quite conceivable that there

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Clause 5—cont.

Sub-clause (2)—cont.

will be many individuals who are really honest and want to do some industrial work in the country and who may come to the Government seeking their help. If the amendment had stood the other way, I would have supported it. I think that individuals should be preferred to joint stock companies, but not joint stock companies to individuals. I therefore oppose the amendment."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" Sir, I think that the remarks of my hon. friend, Mr. Krishnan Nayar, are responsible for inducing me to say a few words on this subject. The particular question that is raised is, whether it is the policy of this Bill to help individuals or to assist joint stock companies in which a large number of people put in their capital?"

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—" I may point out, Sir, that the policy is to favour industries but not individuals or companies."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" My friend seems to be fairly familiar with the industrial policy in the west. But I do think that the policy in the western countries has been to help joint stock companies, or aggregates of individuals, and not single units in the matter of protection of industries. Therefore, if my hon. friend says that individuals should be helped, he will be creating a class of capitalists who will be working for themselves not necessarily under the limitations of joint stock companies. That is the only point that has been raised, and I am surprised to hear my hon. friend's speech to the effect that the policy that is adumbrated in the amendment should be reversed, and that it should be the duty of the Government to help individual capitalists to improve their own fortune. I do not wish to raise any other proposition, but that seems to be the reason for which my hon. friend has ventilated this amendment. It is true that the Government should have some amount of discretion in dealing with these applications and that the Board should also have certain amount of discretion, but it is a question of policy whether individuals should be helped to make profits from funds borrowed from the State or whether joint stock companies who put in their capital and who are to co-ordinate effort should be helped. I have no doubt that the amendment contains the right idea."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" Sir, I think we shall
12-30 p.m. be going beside the point if we concentrate our attention on the leading strings of the Government and such other matters. We are here trying to make a law to help industries. The fostering of industries must be our object. If we apply this test to the present amendment, I should think that it would go very much against that object. It may be that there are several companies with huge capital, which may require large loans. For instance, the cotton industry which is a well-established industry in several places will ask for very large loans. If we are going to prefer these joint stock companies to individuals, it will mean that you will have to pay all the money you are capable of giving as loans to those cotton companies with the result that any new industry that may have come into existence in the country and that may ask for help will receive no aid whatever. So it is not to be considered simply from the point of view of individual or joint stock company. We shall have to consider whether a

[Mr. T. A. Ramalinga Chettiyar] [20th December 1922]

*Clause 5—cont.**Sub-clause (2)—cont.*

particular industry requires help or not, and that I think ought to be a more important consideration than merely the fact whether the person who asks for State aid is an individual or represents a joint stock company. If we accept amendment, it will only mean that such industries as ought to be helped by Government and as ought to be placed on a proper footing should not be helped simply because they are run by individuals. That will be a very bad policy and will go against the fostering of industries, and from that point of view I have to oppose the amendment of Mr. Narasimha Raju."

Dr. JOHN MATHAI:—"With regard to the remark made by Mr. Ramachandra Rao, may I say that, as far as England is concerned, in all aids given under the Development Commission, the distinction that is made is between profit-making concerns and non-profit-making concerns, and not between individuals and joint stock companies?"

Mr. A. Y. G. CAMPBELL:—"I would like to point out the fact that if the amendment of Mr. Narasimha Raju is carried, the cottage industries will be affected. We have, in certain parts of the country, weaving carried on as a cottage industry. Under this amendment we shall be debarred from granting aid to any individual weavers, and therefore the cottage industry of weaving will not get the special assistance under this Bill. Moreover, the provision can be easily evaded by the capitalist who will be able to associate himself with half a dozen men as nominal shareholders. I think, Sir, that the amendment is therefore dangerous."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"Mr. President, I am one of those that are quite jealous of giving power to the executive, and my friend said with reference to this particular Bill, 'you better wait and see how the representatives of the people do their work as executive members'. I think we are yet to learn how they work, and that is the reason why my old habit continues.

"I fear much importance is not given to the word 'preference' in my amendment. When I said preference is to be given to joint stock companies as against individuals, I meant preference should be given to concerns undertaken by joint stock companies over those undertaken by individuals. When both concerns make application for State aid, my amendment means that the State should aid only the joint stock companies, and not the individuals. The reason why I advocate it is that public funds should go to aid joint stock companies more than individuals. I do not, for a moment, mean that when individuals are in the field, and no joint stock companies ask for aid, the individuals should not be helped. My amendment does not mean that and I never intended to convey such a meaning.

"It has been said that seven persons may form a company and demand preference. A company is quite different from a joint stock company. A joint stock company has got its own basis, its own formation and other peculiarities, of which every one of us is fully aware.

"My friend, Mr. Krishnan Nayar, said that he would certainly vote for the amendment if it was inverted. I am not at all able to understand the logic of it. What is the principle on which he is going to support it? Then he went on to say that between individuals and joint stock companies, individuals ought to be preferred. If that be the case, that is exactly the reason why I have tabled this amendment.

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Clause 5—cont.

Sub-clause (2)—cont.

“As I have already submitted, the working of responsible ministers is yet to be watched with great interest. Executive powers are quite different from legislative powers. When individuals are to be preferred to joint-stock companies, there is always danger ahead. I would, therefore, press my amendment.”

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—“I may at once say that my hon. friend has not met the points raised on this side of the House. When it was said that any seven persons could form a joint-stock company, my friend wanted to say that that was not a joint stock company. A joint-stock company is one which should conform to certain rules and formalities to which my friend referred. Such companies could be formed with a minimum of seven members. If individuals are treated as ‘men of straw’, as Mr. Campbell would have it, they will be compelled to join with others to form a joint-stock company and bring pressure to bear upon the State. But those persons may not possess the capacity for business. I do not think, Sir, I need worry myself or this House with arguing on that point.

“The other observation which he made was that he was yet to learn something about the Ministry. All that I can say is that if two years were not sufficient for it, perhaps many more years will not be.

“There is one more point referred to by Mr. Ramachandra Rao. My hon. friend observed that in England and in the West the policy has been to assist these companies. I may at once point out to him that, so far as England is concerned, the policy of State aid is of a very, very recent origin, and that, perhaps, is not a matter from which we can draw great many lessons. But, apart from it, it is one thing to declare a policy and another thing to put on a restriction. It may be that it should be the policy of the Government or of the Board to see that some preference is given to joint-stock companies, provided of course the other conditions are fulfilled, namely, business capacity, capacity to put in the necessary money, push and energy which are so very essential for the carrying on of an industry to success. Granting all those conditions are present, it is quite possible that the policy may be perfectly sound. But, as I said, policy is quite different from restriction. What is now sought to be imposed by this amendment is not a declaration of policy but the imposition of a restriction upon bodies which have the authority to give the aid. All I want to say is ‘let this not be fettered by any chains’.”

The amendment was put and lost.

Sub-clause (3).

Rao Bahadur T. NAMBERUMAL CHETTIYAR :—“With reference to sub-clause (3) of clause 5, I wish to ask the Minister if, in the opinion of the Board of Industries, a certain industry is fit to be helped, and, if in the opinion of the Government it is not so fit, whether that industry is to be dropped. The sub-clause says, ‘The decision of the Local Government as to whether the conditions of this section are fulfilled shall be final’. Such an absolute authority or power to veto a proposal would be suicidal to the best interests of the country’s industries. The Board of Industries might treat a particular industry, as a cottage industry and the Government may say it

[Mr. T. Namburumal Chettiyar] [20th December 1922]

*Clause 5—cont.**Sub-clause (3)—cont.*

is not a cottage industry. All that I want to know is whether that decision should finally prevail."

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—"No, Sir. I beg to submit that no such thing was intended by that sub-section. If the hon. Member wants to amend it now, notice should have been given. Apart from that, there are peculiar difficulties in the way. The section was conceived on a broader basis than on the basis of cottage industries. Various other matters will have to be decided by the Board and, if an exception like that is made, it might make the working of the Bill almost an impossibility. All I can say is that the hon. Member can trust the Government."

Rao Bahadur T. NAMBERUMAL CHETTIYAR :—"Opinions once arrived at, after careful consideration are often altered according to time, place or circumstances. Industries which were considered *not* economic are now considered to be so. Vested interests assert themselves.

"I understand that Government has started the bobbin industry at Bareilly on a small scale. Those outside India, who were interested in that industry, waited on the Secretary of State, to move the Local Government to put a stop to that industry. Luckily the Secretary of State was firm and would issue no such instructions. If he was otherwise inclined, the bobbin industry would be a sealed book to India. The industry brings in a steady revenue of 30 or 40 lakhs a year to the manufacturers outside India.

"To withhold Government aid or encouragement to that or any other industry which the Board of Industries (to be appointed under the Bill) may unanimously support, would, to say the least, be detrimental to the best interests of India."

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—"I may at once refer to the bobbin industry to which my friend has referred. I have myself started inquiries, and I am myself trying to introduce it from the Government point of view. If a private individual is going to adopt it, I may assure him that every assistance will be given to that industry. As for Government stopping any cottage industry, I do not think that Government can actually stop an industry. They may perhaps stop the aid the industry may seek, if in the opinion of the Government the industry is not one that should be assisted. Such a discretion ought to be allowed to the Government. Unless there is something radically wrong in an industry or unless it is uneconomical, the Government will not object to such industries being helped. Let us hope, however, that there will be no such industries."

Rao Bahadur T. NAMBERUMAL CHETTIYAR :—"I applied to the manufacturers in England for information about the machinery suitable for manufacturing bobbins; and I am told that no help will be rendered to starting in India an industry which will be prejudicial to their own interests."

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—"If the hon. Member had referred the matter to the Industries Department or to myself, he would have been posted with such information as we have now with us. Even now, he is at liberty to ask for such information."

Clause 5 was then put, passed and added to the Bill.

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Clause 6.

12-45 p.m. Mr. S. ARPUDASWAMI UDAYAR :—“ Sir, I beg to move the following amendment :—

12. *In item (c) after the word ‘subsidy’ insert the words ‘for the training of apprentices’.*

“ Sir, I am of opinion that the provision made for research is a step in the right direction. Nobody acquainted with the conditions prevalent in industrial countries will for a moment minimise the importance of research. The development of industries is inseparably connected with the provision made for research. In the most progressive industrial country in Europe, namely, Germany, we find a wonderful co-operation with the different firms and an equally wonderful co-ordination of work between these firms and the scientists working in the laboratories and the technological institutes. But even in such a progressive industrial country as Germany, provision was made for research, I think only in the first quarter or in the first half of the nineteenth century, that is, long after the industries had been found to be in a flourishing condition. It seems to me, Sir, that provision for the training of apprentices is even more important than that for research. The first five years following the introduction of this Bill will be the period of experimentation ; the success of this measure will largely depend upon the availability of a sufficient number of well-trained apprentices ; and the expansion of the industries will depend upon the training given to these apprentices and their capacity to cope with the work entrusted to them. No doubt provision is made in the Bill imposing an obligation on the part of every recipient of State aid to make suitable arrangements for the training of apprentices ; but I think it will go a great way towards the encouragement of industries, if only the hon. the Minister for Development gives us an assurance that some positive provision will be introduced in the Bill itself empowering the grant of some help for the training of apprentices. I therefore wish that provision should be made here or in some other part of the Bill giving effect to the object contained in my amendment.”

Mr. A. T. PALMER seconded the amendment.

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—“ It was not the desire of the Select Committee nor of myself to deprive in any way certain industrial enterprises and businesses of any sums that may be paid to them for the training of apprentices. Certainly the training of apprentices is a very important work in the industrial development of this Presidency. As a matter of fact we have been assisting something like forty educational institutions and industrial schools with funds in the city of Madras itself. We have two big firms which are receiving small sums for the purpose of training apprentices selected by the Government. This portion of the work is more or less of an educational character. Evidently the hon. mover of this amendment has tabled this amendment in view of clause 4 which has been introduced into the Bill by the Select Committee. In order to cover this case and another case about which an amendment is tabled by my hon. friend Mr. Sasibhushana Rath, I have drafted a clause which I have shown to both the hon. Members, Mr. Arpudaswami Udayar and Mr. Sasibhushana Rath and they indicated to me their willingness to have it embodied in the Bill. I shall, with your permission, Sir, move it after the last clause is put and carried. I hope that the hon. mover of

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Clause 6—cont.

this amendment will see his way to withdraw this amendment as he has already seen the new clause which I am going to move presently."

The amendment was by leave withdrawn.

Rao Bahadur C. V. S. NARASIMHA RAJU:—"Sir, I beg to move the following amendment:—

13. *Add the following as item (g):—*

(g) by making plant available on hire-purchase system for cottage industries.

"Sir, I first doubted whether the wording of clause (a) 'by granting a loan' would include the giving of plant on hire-purchase system. I consulted some of my friends on this point and they were also of opinion that the words 'by grant of a loan' did not include giving of plant on hire-purchase system. That is the reason why I gave notice of this amendment. The Indian Industrial Commission has conceded the advisability of aiding small cottage industries by giving plant on the hire-purchase system. Paragraph 301 of the Indian Industrial Commission Report states:

It should be a condition of the loan that it should be spent on approved types of plant and the department itself might when desired by the applicant purchase the plant. There are numerous types of plant suitable for the purposes of agriculture or of small industries which could be made available by Government on the hire-purchase system. This system has already been followed with some degree of success in Mysore by the State Department of Industries and by private concerns elsewhere. We print as Appendix M the rules for hire-purchase in force in the Mysore State as an instance of a mechanism which experience has shown to be effective.

"As this system is already in working order in the Mysore State, I do not think the hon. the Minister for Development will find it difficult to accept the amendment."

Mr. M. SURYANARAYANA seconded the amendment.

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU:—"I am sorry, Sir, I cannot take the advice of my hon. friend. There is a system of loan provided for in the Bill. There is no practical difference between a loan and the hire-purchase system which is now sought to be introduced. In the case of a loan the industrialist purchases the machinery and the machinery becomes his own property at once. In the case of a hire-purchase system, the Government purchase the same and lend it to the industrialist and take a certain sum of money every year or every month, as the case may be, and until the last pie is paid, the machinery remains the property of the Government and if the industrialist should fail to pay any instalment, the machinery will be put up for sale. The result is, that even though the industrialist has paid a portion of the cost of the machinery, he does not become a part owner of the same. It will therefore be noticed that it is not in the interests of the industrialist at all to introduce this hire-purchase system. Even as regards the Government, there are certain practical difficulties in the way. There is the question of insurance. Again, if a machine is purchased by Government and if it is given only on the hire-purchase system, I take it that under the Indian Contract Act, the loss by *vis major* will have to be borne by the Government. I think the purpose of the industrialist will be served so long as he is able to get money for the purchase of machinery. We have also provided for the grant of subsidies for the purchase of machinery. When the granting of loans and the paying of subsidies fulfil

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Clause 6—cont.

the necessary requirements, I think this complicated hire-purchase system will involve additional trouble and difficulty and it will also expose the Government to some risks. The industrialist will also incur a certain amount of loss because he will not become the owner of the property until the last pie is paid down. Under these circumstances, I think it is not at all desirable to incorporate this amendment in the Bill."

Rao Bahadur C. V. S. NARASIMHA RAJU :—" My hon. friend states that loan is preferable to hire-purchase system. I beg to draw the attention of the hon. Minister to the fact that the hire-purchase system is found to work advantageously to the industrialist in the Mysore State. Here I may be permitted to explain the difference between the hire-purchase system and loan. In the case of a loan, whenever Government grant it to any individual for cottage industries, they certainly insist on the giving of proper security before granting the loan. But in the case of the hire-purchase system, the plant itself remains the property of Government and no fresh security is necessary, because the Government remain the owner of the plant until the last pie is paid. That is the main difference between the two and that is why I advocate that the hire-purchase system should be preferred to the loan system. In the case of individuals they may not be able to give sufficient guarantee or security to the Government. They may not be possessed of sufficient property to be shown as security to the Government. Under those circumstances, I think, it is an elementary principle that the hire-purchase system should be preferred to the loan system in the case of small cottage industries. Regarding the supposed inconvenience which may be caused to the Government on account of loss by any *vis major*, I would respectfully draw the attention of the hon. Minister to the successful working of the system in the State of Mysore. When we find that the hire-purchase system is working with admirable success in the neighbouring State of Mysore, the only thing left for the Government to do is simply to copy those rules and adopt the same system here. I am sure the system will work with the same amount of success in this Province also. When I sent notice of this amendment, I did not have in my mind the contingency of utilizing power with a view to aid cottage industries. The word I have used is 'plant' and it does not necessarily include the utilization of any power. Take for instance the iron lathe which is generally used in some villages for iron work especially in the case of shaping sugarcane mills. The iron lathe costs about Rs. 1,000 or Rs. 1,500 and where sugarcane mills are at work it is a very desirable machine. Perhaps it may be beyond the means of a village smithy to obtain a loan and purchase it. But if the Government is prepared to give it, it would be of very great advantage to the industrialist as well as the agriculturist. These were the main principles that I had in my mind when I gave notice of the amendment."

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—" I forgot to mention one point, Sir. 'This question' was raised in the debate when the Bill was introduced last month. The speeches in the Legislative Council bearing on the State Aid to Industries Bill were analysed and placed before the Select Committee, and this point was unanimously rejected by the Select Committee."

The amendment was put to the vote and lost.

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Clause 6—cont.

The following amendment standing in the name of Mr. S. Arpudaswami Udayar was not moved and was therefore deemed to have been withdrawn :—

14. *Add the following as item (g) :—*

(g) by arranging with the railway companies for special concession rates in the case of new and nascent industries.

Sriman SASIBHUSHAN RATH Mahasayo :—“ Sir, in view of the assurance given by the hon. the Minister that my amendment or one with a little modification will be moved by him I do not propose to move the amendment standing in my name :—

Add the following after item (f) :—

(g) by making purchases of stores required for the Government of Madras.

(h) by recommending to the Government of India the purchase of such stores.”

The amendment was therefore deemed to have been withdrawn.

Clause 6 was put to the House and passed and added to the Bill.

Clause 7.

Clause 7 was put to the House and passed and added to the Bill.

*Clause 8.**Sub-clause (2).*

The following amendment standing in the name of Mr. S. Arpudaswami Udayar was not moved and was therefore deemed to have been withdrawn :—

15. *For the figure ‘ 50,000 ’ substitute ‘ 20,000.’*

Sub-clause (5).

Mr. A. RANGANATHA MUDALIYAR :—“ Sir, I do not propose to move the first part of my amendment, but I want to move the alternative amendment. I beg to move :—

16. *For the words ‘ unanimous resolution ’ substitute the words ‘ two-thirds majority.’*

“ The sub-clause will then read as follows : ‘ No aid shall be granted under this Act if the Board by a two-thirds majority at a meeting advises the rejection of the application.’ ”

“ I shall briefly explain, Sir, my reason for this amendment. The committee, as it is proposed to be constituted under this Bill, will consist of at least three officials, and I think there are likely to be as many Europeans also on that committee. It has been my experience, and I think the experience of several others in this House, that the points of view from which questions are looked at differ in the case of officials and non-officials. It has been my experience, however honest I may be in my endeavours to co-operate with officials in the work they are carrying on, that they are less than cordial in reciprocating my good feelings. The other day my hon. friend, Mr. T. Sivasankaram Pillai tried to bring to the notice of the Government the

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Clause 8—cont.

Sub-clause (5)—cont.

famine conditions prevailing in certain areas, and what was the reward he got? He was advertised all over the Presidency as having made the report

The hon. the PRESIDENT :—" I am sorry to interrupt the hon. Member. I would point out to him that we are not dealing with famine conditions just now."

MR. A. RANGANATHA MUDALIYAR :—" I want to emphasize the fact that Government officials often take a view which is somewhat different from that of the non-officials. . . ."

The hon. the PRESIDENT :—" But even that we are not dealing with just now."

MR. A. RANGANATHA MUDALIYAR :—" I think my reference was relevant in this way. When the committee consists of a number of officials, their point of view may differ from that of the non-officials in the committee. The degree of European element in the committee will affect us in the same way. An industry which may be considered suicidal to the interests of the country, by the Indian element may be thought the other way by the European element in the committee. Even if a committee may consist of a majority of Indians, and they may unanimously be of opinion that a particular industry should not be helped, the hon. the Minister will not be bound by the opinion of the majority, because, unless it has been rejected unanimously, the hon. the Minister is not bound to accept the advice. I want to strengthen the hands of the hon. the Minister in dealing with a transferred subject. I do not want him to be subjected to influences which may not be patent to many outside, but I want him to be strong in the attitude he may have to take on matters like this. I think that his attitude will be very often one which will be endorsed by the Indians in the country. So, I say, Sir, that instead of the words 'unanimous resolution' we may substitute the words 'two-thirds majority'. It gives a sufficient guarantee that there will be no hasty rejection of any application. All applications are bound to be well considered, and when as many as two-thirds of the members reject an application there is something to be said in favour of that view, and in such a case the hon. the Minister is bound to act on that advice."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" Sir, I beg to second the amendment. I wish to point out that the select committee having come to a very proper decision that the recommendations of the Board of Industries should be accepted whenever the Board is unanimous regarding the rejection of an application, they must consider and see what is the practical effect of carrying out that resolution. We are all agreed that the view of the Board of Industries should, as far as possible, be accepted by the Government though their functions are of an advisory character. This House is aware that it is with very great difficulty that we have agreed upon the composition of the Board of Industries so as to represent several trading and other interests. Having done that, the retention of the word 'unanimously' is likely to take away the beneficent result that will otherwise follow from the retention of this provision. Because there are a number of cases in which those who present applications for aid will be able to secure the support of at least one

[Mr. A. S. Krishna Rao Pantulu] [20th December 1922]

Clause 8—cont.

Sub-clause (5)—cont.

member of the Board of Industries. If by the support of one member of the Board of Industries an applicant can prevent the possibility of a unanimous resolution I think, Sir, then the purpose of this clause is taken away altogether. As in the case of other statutes it is certainly desirable that we should not ask for any such provision in the case of a bare majority. But if there is to be a substantial majority, be it two-thirds or three-fourths, it does not matter. I think, Sir, it must be taken as equivalent to the unanimous resolution of that body and effect ought to be given to it. Unless the word 'unanimously' is taken away and the sub-clause modified as suggested, I am afraid, the purpose of the retention of this provision will be taken away altogether. If the hon. the Minister is prepared to accept the suggestion, as I hope he will, I think it may be necessary to have a small verbal amendment by adding the words 'at least by two-thirds majority at a meeting advises the rejection of the application'."

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU:—"I am afraid, Sir, that I cannot accept this amendment. The clause itself is a new one as can be seen from the printing in italics. It was not in the original Bill, but the Board of Industries advised that a provision like this might be included in the Bill and out of deference to the views of the present Board of Directors this clause was put in. I do not propose, Sir, in answering this amendment, to reply to certain observations which my friend Mr. Ranganatha Mudaliyar has allowed himself to let go. As regards his remark that non-officials are influenced by officials, all that I can say is that it is undeserved. Later on he said that he was afraid that the Ministers might be subjected to influences not patent to outsiders and he wanted to protect the Ministers from such influences. Let me assure him, Sir, and the hon. Members of this House that the only influence which can be allowed to bear upon this Government is the influence of this House and of nobody else (*hear, hear, from Mr. Sivasankaram Pillai*), and we have not given so far, I take it, any reason for anyone to believe that any outside influence was ever allowed to bear upon the decisions of this Government.

"Sir, I object to this amendment for two or three reasons. It will be noticed, Sir, that by unanimity is meant only a resolution passed unanimously at a meeting of the *members that are present*. We do not ask for a unanimous resolution of the whole Board of twelve members. And now, if this amendment is accepted, what will be the result? Let us take it that four or five will form the quorum of the Board. Two-thirds of the members may mean two or three, or at the most four. Now, why should an industry be not helped simply because two or three members have rejected it—because two-thirds may mean three or four of those that are present at a particular meeting as my friend apprehends that a particular class of people may be present at a particular meeting, since it is quite possible too that those who are interested in seeing that a particular industry is not assisted may form a majority at that particular meeting? What is the remedy? After all, all that we are asking for is that a large number of persons should have declared themselves in favour of it. The principle of that is recognized here. Sir, if a meeting of the Board be held consisting of Indians alone and they should refuse an application, the Government should not accept it. In other words, my hon.

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Clause 8—cont.

Sub-clause (5)—cont.

friend has got sufficient confidence in the Indian members on the Board of Industries, a confidence which he is not prepared to extend to his Indian colleagues in the Government. Do we cease to be Indians the moment we become Government officials? How then does this argument hold? I think, Sir, this is rather a very unnecessary and insupportable restriction to be placed upon the actions of the Government."

Diwan Bahadur M. KRISHNAN NAYAR :—" May I add just one word to what the hon. the Minister has stated. My friend Mr. Ranganatha Mudaliyar's theory is that there may be a pretty large number of Government officials on this Board. As a matter of fact, the statute itself prescribes the maximum number of Government officials. Clause-3, which has been already passed, says: ' Not more than three of the members shall be Government officials.' The minimum number of this Board is ten and the maximum is twelve. As the hon. Minister stated yesterday, ordinarily the maximum number will be three on the Board so that out of the twelve members not more than three only can be Government officials. Then, again, I may also say, Sir, that this question whether it should be a unanimous decision or a decision by a majority of two-thirds was carefully considered in the Select Committee which consisted of a pretty large number of members of this House and the unanimous decision of the Select Committee was that it should be unanimous and not a majority of two-thirds. For that reason, I believe, my hon. friend will not press his amendment."

Mr. A. RANGANATHA MUDALIYAR :—" Well, Sir, I do not know if the hon. the Minister has answered the difficulties felt by us. He raised certain other difficulties, but they do not take away the force of the arguments urged by me. I do not mind if it is three-fourths or five-sixths majority. I am of opinion that if it is to be unanimous, we shall be asking for a condition which is impossible of fulfilment."

The amendment was put and lost.

Clause 8 of the Bill was put and carried and added to the Bill.

Clause 9.

Clause 9 of the Bill was put to the House, passed and added to the Bill.

Clause 10.

1-15 p. m. Rao Bahadur C. V. S. NARASIMHA RAJU :—" Mr. President, I move that

17. For the words ' secured by a mortgage or floating ' substitute the word ' a '.

" The object of the amendment is that the person taking a loan from the Government need not execute a bond. A statutory charge will be created by mere granting of the loan if my amendment is accepted. Of course, for the recovery of the amount it is provided in the Bill that it should be recovered as arrears of land revenue. When such a remedy is provided, I do not see any reason why a statutory charge should not be created regarding the amount that is granted by the Government as a loan under the Act. It is with this object that I propose this amendment and I commend it for the acceptance of the House."

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Clause 10—cont.

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—"I oppose the amendment, Sir, because it is unnecessary. The words 'mortgage or floating security' have been advisedly used. My hon. friend would have noticed the word 'or' between the two forms of security mentioned. It is not necessary, therefore, that both the forms should apply. On the other hand, any one of them will do. Where a mortgage is found necessary, a registered document will be executed. The reason for the provision is this. No doubt we can create a statutory charge upon the property by incorporating in this measure a provision like that contained in the amendment. But I am afraid a mere notification in the gazette will not be a sufficient guarantee to the outside world to let them know what charges there are on the property in case the owner of the property should try to mortgage it for a second or a third time. But if it happens to be a registered deed, it will be open to any one to apply for a copy of the encumbrances in the sub-registrar's office. So it is in the interests of the public that the words 'mortgage or floating security' have been used. It is after all, Sir, a mere form that is involved. I can assure the hon. Member that the security so far as the Government are concerned will be sufficiently safeguarded by the provision as it occurs. As regards giving any advantage by lessening the stamp duty, I am told by my friend, the hon. the Law Member, that there are a number of difficulties in the way and that various provisions are to be amended. I therefore think that the amendment is not necessary for the purpose."

The hon. Mr. K. SRINIVASA AYYANGAR :—"Sir, there is one obvious difficulty which I apprehend from the acceptance of the amendment under consideration. If the amendment is accepted, the clause will read thus :—

Every loan granted under this Act shall be a charge upon the whole of the assets of the business, etc.

"Whether this will not prevent the operations normally done in a business concern is a question to be investigated. At present the House will notice it is a floating charge that the clause provides for. The word floating charge has a definite meaning; it will not prevent the normal operations of a business going on and at the same time it will become what in technical language is called a fixed charge. As soon as proceedings are taken, by the mere introduction of the amendment and by the creation of a charge upon the estates there may be difficulties in working the concern."

Rao Bahadur C. V. S. NARASIMHA RAJU :—"Mr. President, it has been pointed out that the clause, as it is, provides for the creation of mortgage or a floating charge. It has been said that a mortgage is necessary, for a notice may be necessary in some cases to the public and it has been argued that a mere notification in the gazette is not sufficient notice to the public and that registration would constitute such notice. If I remember the law on the point correctly, I think even a notification in the gazette amounts to notice."

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—"Sir, I was not speaking of what in law constitutes notice but what I meant was that it was quite open to the public to go to the sub-registrar's office when any transaction was entered into and apply for a copy of encumbrances. Otherwise the person would have to hunt up for the District Gazettes and *Fort St. George Gazettes* and take all the trouble which he could impose upon a public officer by paying a small fee."

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Clause 10—cont.

Rao Bahadur C. V. S. NARASIMHA RAJU :—" I am quite aware of it, Sir, but my point in pressing this amendment is this. Notification in the gazette is presumed to be notice because men are presumed to read the gazette. It is necessary for any man who subsequently advances money to make all necessary inquiries as to the existing charges or encumbrance on the property. How that is avoided in the case of a charge created even under the provisions of this Bill as it now stands I am not able to understand. Regarding the difficulties as to the floating charge, it is not quite clear how a charge once created will affect at all the working of any business. The main intention of my amendment is to remove the words 'secured by a mortgage'. The latter portion of the clause may remain."

The amendment was put to the House and lost.

Rao Bahadur C. V. S. Narasimha Raju did not move the following amendment standing in his name :—

18. *After the words 'at the time of the grant and' insert the words 'shall be secured'.*

The amendment was deemed to have been withdrawn.

Clause 10 was put and carried and added to the Bill.

Clauses 11 to 18.

Clauses 11 to 18 were then put and carried and added to the Bill.

Clause 19.

The following amendment was not moved and was therefore deemed to have been withdrawn :—

Mr. S. ARPUDASWAMI UDAYAR :—

19. *In item (2) after the word 'remuneration' insert the words 'if any'.*

Mr. A. RANGANATHA MUDALIYAR :—" Sir, I beg to move—

Add at the end, the following :—

20. *Provided that such rules are laid before the Legislative Council for its approval and notified in the Fort St. George Gazette when they shall have the force of law.*

"The reason for this amendment is obvious. Much has been left to the rules to be framed under this Bill and the hon. the Minister has already said that the only influence he would allow himself to be subject to are those of the House and I am providing him with an opportunity for ascertaining the views of this House. Of course, if he does not want that the amendment should be accepted because it stands in my name, he may change it, Sir. I do not mind it so long as the substance of my amendment is accepted."

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—" Sir, I have absolutely no objection to the hon. Member's name to begin with. The practice usually observed is to place it on the table of the House. Then it will be open to the Members to move resolutions to alter it or amend it. So I propose an amendment to the following effect :—'Provided that such rules are laid on the table of the Legislative Council and notified in the Fort St. George Gazette one month after which they shall have the force of law unless

[Mr. K. Venkatareddi Nayudu] [20th December 1922]

Clause 19—cont.

amended by the Legislative Council within that period; or if the Council is not sitting during that period, at its next sitting. The words 'at its next sitting' have been introduced so as to avoid its being placed on the table at a time when the Council is not sitting. That is the practice that obtains everywhere and which I adopt in this case."

Mr. A. RANGANATHA MUDALIYAR :—"I, then, beg leave to withdraw my motion."

The amendment was by leave withdrawn.

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—"I move my amendment, Sir :—

That the following addition be made to clause 19 :—

"Provided that such rules are laid on the table of the Legislative Council and notified in the Fort St. George Gazette one month after which they shall have the force of law unless amended by the Legislative Council within that period: or if the Council is not sitting during that period, at its next sitting."

Mr. A. RANGANATHA MUDALIYAR :—"I have great pleasure in seconding it, Sir."

Mr. T. SIVASANKARAN PILLAI :—"I beg to propose a small change in the amendment moved. The consideration of the rules may be carried on from one sitting of the Council to another within which time the period of one month may elapse and the rules will have to come into operation."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"I think, Sir, the amendment requires modification even for the purpose of achieving its object. The hon. the Minister was good enough to tell us that he would allow a modification of the rules at a meeting of the Legislative Council at its next sitting. But the period prescribed is only one month and no provision is made for cases where no meeting is held within that period. The amendment does not make it clear in such a case whether the rules come into operation after the lapse of a month even though no meeting of the Council is held. So the amendment requires a change."

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—"I gave my attention to the matter and it is to provide for such a contingency that I used the word 'or'."

At this stage the Council adjourned for lunch.

2-30 p.m. The Council re-assembled after lunch at 2-30 p.m. with M.R.Ry. Diwan Bahadur P. KESAVA PILLAI Avargal in the chair.

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—"Sir, I move that the following proviso be added to clause 19 :—

Provided that such rules are laid on the table of the Legislative Council and notified in the Fort St. George Gazette one month after which they shall have the force of law unless amended by the Legislative Council within that period or if the Council is not sitting during that period, at its next meeting."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur : "I second it."

The amendment was put to the House and accepted.

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Clause 20.

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—"Sir, with a view to meet certain objections raised in the course of the debate by my friends, Mr. Sasibhushana Rath and Mr. Arpudaswami Udayar, I beg to move that the following be added as clause 20 of the Bill :—

'20. Nothing in this Act shall be held to debar the Government—

(a) from starting or conducting industrial enterprises for experimental purposes or with a view to stimulate industrial development ;

(b) from assisting an industrial business or enterprise by agreements to purchase on business terms the whole or a portion of the products of the same ;

(c) from assisting an industrial business or enterprise by giving gratis or on favourable terms, the services of Government officials or experts either in the capacity of advisers or for a limited period not exceeding one year for starting or conducting such business or enterprise ;

(d) from assisting an industrial business or enterprise in connexion with industrial education or the training of apprentices.'"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :
"I second it."

Mr. M. SURYANARAYANA :—"Sir, may I suggest to the hon. the Minister that some provision may be added at the end so that, at the close of the period of one year, if it is considered necessary to have the assistance of a special officer for any further period, that assistance may be given."

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—"I am afraid, Sir, it is unnecessary. Even the one year period is too long for a Government servant to leave off his work and attend to duties elsewhere. Of course, if it is a question of sparing the services of another officer that will probably be done."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"Sir, I do not see what necessity there is for this new clause. There is nothing in the series of clauses we have passed debarring the Government from starting or conducting any enterprise."

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—"Under clause 4, aid to industries is refused except under the provisions of this Bill. This amendment therefore is intended as a mere safeguard to avoid possible contentions that may be raised. I may say, Sir, that this is only an 'enabling clause'."

The amendment was then put to the House and carried.

The preamble of the Bill was then put to the House and carried.

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—"I now move that the Bill as amended in this Council be passed into law."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :
"I second it."

Rao Bahadur C. NATESA MUDALIYAR :—"Sir, Mr. President, I congratulate the hon. the Minister for Development and the people of this Presidency for this nation-building Bill having come to the stage of being ready to be enacted into law and for its having emerged from the Select Committee almost unscathed. It shows how well the Bill was conceived and how

[Mr. C. Natesa Mudaliyar]

[20th December 1922]

Clause 20—cont.

thoroughly it was prepared. The operation of this Bill on a large scale will be heavily handicapped by our iniquitous contribution to the Government of India.

“Industries for the conversion of our raw products into manufactured ones, as for instance match-making, mining and metallurgy, and the training of our young men here and abroad in industries, ought to have our first attention. But taking into consideration our financial circumstances, it is desirable that the Government directs its attention to tried remunerative industrial concerns so that the revenue derived from them may be utilized not only for their own extensions but also for the undertaking and encouraging of fresh enterprises. I request the hon. the Finance Member, if any money is scraped by the Retrenchment Committee, to allow it to be applied in this direction.

“Sir, there is a fear expressed by some people that if India is regenerated industrially, it will be developing factory systems which will attract rural population to urban areas infecting them with all the evils connected with urban life. But let us assure them that, taking lessons from, and having profited by, the mistakes our Western countries committed in the beginning, we will adjust our industrial life with sufficient safeguards for sanitation, housing and education, both elementary and moral, of our labourers.

“Sir, nor this Bill to bear fruit depends upon the fiscal policy of the Government of India. Protection and protection alone can regenerate India both industrially and economically. Some of our Western friends advocate free-trade for India on the plea that protection will increase cost of living and make masses suffer. But let us assure those friends that we Indians are prepared to undergo initial inconveniences and sacrifices; for, no land or country attained salvation without such sacrifices.

“Sir, as per Lord Morley’s fur-coat theory, English fiscal system will not suit the conditions existing in India. It is only the protective tariff that made agricultural America what it is to-day—one of the richest countries, nay, the international banker of the whole world. Sir, it is only when India becomes industrially great that she can hope to be politically great.”

Khan Bahadur MUHAMMAD USMAN SAHIB:—“Sir, I also take this opportunity of offering our very grateful thanks to the hon. the Minister for Development for his having quite successfully piloted this most important piece of legislation through this Council. This Bill is full of potentialities for the industrial regeneration of our country, and by getting this piece of legislation passed through the Council our Minister has done a very great service to our country. By this legislation he has brought credit not only to himself, and to the Government, but also to the Legislative Council itself. For all these reasons I have very great pleasure in offering him our heartiest congratulations and in expressing our great appreciation of the very great service he has rendered to our country.”

Mr. S. ARPUDASWAMI UDAYAR:—“Mr. President, on behalf of the Indian Christian community, I most heartily congratulate the hon. the Minister for Development on the introduction of this measure—the first measure of its kind to be introduced into any provincial Legislative Council. Nobody will accuse me of prying into the secrets of the department when I tell the House that there has been a very large demand for copies of this

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Clause 20—cont.

Bill—a sure sign that Bills of a similar nature will be introduced into other local Legislatures and also into the legislative bodies of the various Native States. Till the introduction of this Bill the Indians were living in a state of doubt or uncertainty and amid a great deal of suspicion; but now the clouds have been dispelled, the industrial horizon is very bright, and I think, as my hon. friends who supported the Bill when it was first introduced expressed very emphatically and very clearly, that there is a very large demand in this province for various kinds of industries to be developed, that there is every prospect of such industries being successfully developed, and that this Bill will certainly inaugurate a bright and happy era and open a new chapter in the history of the industrial development in this province. It therefore affords me very great pleasure, Sir, to express the wish and hope that this Bill will be an instrument in the hands of Providence for doing very great good to Indians not only in this province, but throughout the country, and secondly that the various industries which will be started as a result of this Bill being passed into an Act will flourish, will grow, develop, prosper and fructify.”

Rao Bahadur T. BALAJI RAO NAYUDU :—“ Sir, I also rise to thank the hon. the Minister for Development for introducing this Bill before the other Presidencies took it up. I think the people of the Telugu districts may well congratulate themselves on the fact that the Minister who is responsible for taking this bold step happens to be one of their own district. He comes out of my district and he is one of my own colleagues as representing the Kistna district, and so I take this opportunity of congratulating him for the introduction of this most important piece of legislation.”

Mr. V. PAKKIBISWAMI PILLAI :—“ Mr. President, I also beg to congratulate the hon. the Minister on his piloting the Bill so safely. He has yet to obtain the sanction of His Excellency the Governor, as well as of the Governor-General, and I hope the Secretary of State will not raise any objection to it though the present Government in England is said to be not very favourable towards India. The hon. the Minister has of course done already a very great thing, but many things still remain to be done. We cannot reap the fruit of this unless we are provided with sufficient funds to assist these enterprises, and the Government should be liberal enough to lend us sufficient money according to the requirements of the country. As it is, any amount of industrial concerns will be started as soon as this Bill is passed into law and accepted by the Government. I had my own suspicion when the Bill was in the Council whether the Government themselves would be able to start enterprises for the purpose of experiments. From the commencement of the Reforms we have been pressing on the attention of our Minister to get us a sizing machine to size our warps so that we might be in a position to supply all our districts with sized warps. Our country is in need of scientifically sized warps. Hitherto our people were able to get only country-made ones and they are not able to stand the strain of present-day requirements. For the cottage industry, unless the Government have a sizing machine and supply the required sizes to the people, it cannot prosper. For very nearly these 2½ years we have not been able to get it, and every time I ask our Minister, he says ‘ Well, we are waiting for the machine ’. After passing this Bill I hope he will not have any difficulty in finding money for this purpose.”

[Mr. V. Pakkiriswami Pillai] [20th December 1922]

Clause 20—cont.

“With these few words, Sir, I have very great pleasure in congratulating the Minister.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“I also want to say a few words, Sir, in support of the motion. Originally I thought that there would be no speeches necessary to support this motion in view of what has already been done at the introduction of the Bill, but seeing that some of the hon. Members have thought it necessary to support and speak a few words by way of congratulation, I want to add my own words of congratulation, the more so as this measure has been now represented by some to be a party measure. It is one of those national measures on which we should congratulate ourselves and we should congratulate the Minister more on the fact that it has been his privilege to be the first Indian Minister to introduce this Bill and to carry it through this Council. (Cheers). We have yet to see how the Act will be worked in the future. More depends on the way in which the Act is worked than in merely passing it. So far as this Presidency is concerned, there are a number of industries to which he must direct his attention first. Among the major industries where the products are produced in this country, we have those dealing with cotton, jaggery and groundnut. A very large quantity of these things is exported out of this Presidency and also outside this country. I would therefore invite him to see to it that the existing companies for the manufacture of these things are fostered and also that new companies are started on these lines. We have also got a number of small minor industries the development of which will remove the necessity of our getting large imports, such as paper, matches and other things. Above all, our Presidency is rich in water power which can be converted into electric power by little expenditure of money and that will save a large amount of labour and fuel which can be utilized for other purposes.

“Having said so much, I have only one word more, Sir, to add. The whole of this Council must help the hon. the Minister in getting large funds from the Government of India. Without the sinews of war—and the Finance Member's pool is always dry—there is no chance of anything being undertaken. After all, the Minister and the Government are going to supply only about 18 to 20 lakhs of rupees for this purpose for the whole of this year. I do not know if 18 to 20 crores will be sufficient, but in any case 18 to 20 lakhs will be absolutely useless. One of our cotton mills in Coimbatore has got a capital of about 18 lakhs. All that I say is Government must have the power, if they are able to spend money, to have a large resource of money at their back. We are sure that the Minister and the Government will use this money very carefully. Money should not be frittered upon particular industries especially if they are already thriving. Anyhow we may require large sums of money for supporting the industries already in vogue and also for starting new industries for which there is plenty of scope. All that I say is, we thank him much for what has been done, but more in anticipation of what he will do impartially, carefully and cleverly.

“With these few words, Sir, I have very great pleasure in supporting the motion.”

Mr. Rao Bahadur A. S. KRISHNA RAO PANTULU :—“Sir, I also wish to express our gratitude to the hon. the Minister for the step he has taken in inaugurating this legislative measure which is calculated to help the

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Clause 20—cont.

industrial regeneration of our country, and I hope and trust that the time will come when we shall congratulate him once more on the success with which he will carry this measure into actual practice. The success of this measure largely depends upon the funds which he will be able to get in the course of the next year for the industrial concerns. There is a fear that the sum which after all he may succeed in getting from the Government of India for this purpose will not be sufficient for helping the various industrial concerns started and to be started throughout the country in an adequate manner. And may I add, Sir, that there is a fear that small concerns in several rural areas, unknown to those in the metropolis and not properly advertised, may not be in a position to have their legitimate requirements adequately satisfied? My friend, Mr. Venkataramana Ayyangar, has just pointed out that the 18 or 20 lakhs of rupees which may be obtained for this purpose may not be sufficient for even one cotton mill in the Coimbatore district. It may be so or may not be so.

MR. A. RANGANATHA MUDALIYAR :—" May I rise to a point of order, Sir? We are now concerned with the passing of this Bill into law and I do not know whether all these miscellaneous things are relevant to the point at issue."

THE hon. the DEPUTY PRESIDENT :—" I think that such valedictory addresses can be delivered at the time of passing a Bill. Our esteemed Secretary tells me that it is quite in keeping with Parliamentary practice to allow members to make valedictory or benedictory addresses when a Bill is about to be passed. But I think they might be well content with offering benedictions instead of going into all these miscellaneous matters, because I am afraid every member will be glad to pay a tribute to the hon. the Minister for all the trouble he has taken in regard to this epoch-making enactment. There are ever so many other subjects to be gone through and the benedictions have come from representatives of all parts of the country, from the Brahman, from the non-Brahman, from the Muhammadan and from the Christian, and I think we can very well be content with them."

RAO BABADUR A. S. KRISHNA RAO PANTULU :—" I accept your suggestion and I may point out that this is the only occasion when we
3 p.m. can make suggestions about the working of this measure not merely with reference to the clauses which have been incorporated in this Bill but also in respect of the various rules which have to be framed for that purpose. I wish on this occasion to point out that the hon. the Minister has a very serious responsibility in distributing the monies which will be placed at his disposal so as to satisfy the various requirements of the several districts in this Province. If he is going to utilize all the 18 or 19 lakhs of rupees for a particular locality and be satisfied with particular concerns, I may inform him at once that it will create any amount of dissatisfaction throughout the country. It is necessary to remember that the remotest village in this Presidency is anxious to take early advantage of this opportunity to see if it cannot make some headway in showing some industrial progress. If *bona fide* attempts are made and if *bona fide* applications are forthcoming, I hope he will see his way to arrange the distribution of the grant in as equitable and satisfactory a way as possible. With these remarks, I support the motion that the Bill be passed into law."

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Clause 20—cont.

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—“ I am so thankful to you, Sir, for permitting me to reply, though perhaps that question would not have arisen if my hon. friends did not speak or if we understood each other better. In keeping with the practice, you will give me this opportunity of thanking the members of this House for the very kind words with which they have received the final stages of this Bill. But in accepting these, I must, Sir, in duty bound pass on these thanks and congratulations to others who have assisted me, no doubt not in the origin of the Bill but in the later stages. The idea of this Bill, Sir, was conceived by me more than a year and a half ago when the outlines of it were given expression to in speeches that I delivered in Tinnevely and Tuticorin. But later on it passed into that admirable body which alone knows where the loopholes are, I mean the Secretariat. Here, the Development Secretary, Mr. Stokes, who is on leave, improved the Bill considerably. Later on, Sir, the Bill was transferred to a Select Committee of the Cabinet and, though my two friends are not here just now, I must recognize and acknowledge with thanks the great services they have rendered not merely in drafting but in improving the substance of the Bill. I refer to the hon. Sir Charles Todhunter and the hon. Mr. K. Srinivasa Ayyangar. Later, Sir, I had the benefit of two eminent experts, Mr. Campbell, who was on special duty on this very subject while in England, studied not merely the conditions of State aid in England and Great Britain but also the conditions of State aid in almost every civilized country, and was good enough to place at my disposal the full knowledge which he alone possesses, without any offence to anybody. Dr. Mathai, as you all know, is a very great professor and a well-known economist and I had the benefit of his advice in the later stages of the Bill. To all these and to the members of the Select Committee who, Sir, as you must have noticed, have allowed the report to pass unanimously, and last but not least this very Council which did not consider this as a party measure and which was ever ready with amendments which individual members considered necessary and to those without whose support I should not have ventured to think of introducing a measure of this kind in the Legislative Council, I tender my thanks.

“ Sir, my hon. friend opposite mentioned that it was a national measure. My friend, Dr. Natesa Mudaliyar, said that without industrial development political freedom would be of no value. Sir, I do not know whether I can say or accept the position in exactly the same terms as they have employed. But permit me, Sir, to say that I myself am a bit of a dreamer. I dreamed very often. I have often dreamed that not only are we set on the road to freedom and full responsible government but that the goal of responsible government is not far off, that we have almost reached the first milestone on that road and that true responsible government otherwise called ‘Swaraj’ is within our sight. There is a national consciousness in it. To that national consciousness must be added the national desire of raising the standard of national living and permit me to say, Sir, that national living is not a possibility when the nation is not sufficiently rich and when there is no national wealth to count. If national wealth is desirable and if the desire is a natural one, may I take the privilege, Sir, in a humble way to say that this measure is an attempt to increase that national wealth? I do not for a moment mean to say that this Bill will bring on new life; but permit me, Sir, to say that provided the Bill is worked in the spirit in which it is

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Clause 20—cont.

conceived, the day may not be yet far off when perhaps India industrially may claim her place in the nations of the world—a place to which she is legitimately entitled, a place to which her immense potentialities of national resource entitle her and which I am told she occupied years ago but which for one reason or another she has lost. You might remember those days as the days of the pagoda tree. Sir, conquests extending over 15 or 16 centuries from different parts of the world have shaken that tree branch and root and I may almost say it was uprooted; and but for the timely intervention of a Providence that sent us the benign British Government over this land there will not perhaps be the possibility of renovating that tree. May I at this stage again, Sir, claim that this Bill may be expected to sow the seed which may once more revive that tree, the tree of pagoda; for, in addition to our agricultural products, the only other thing that can add to our national wealth is the industrial regeneration of this land.

“Sir, there are one or two points to which I should like to reply. Among the criticisms that were levelled from outside this House it was said ‘What can you do with an empty purse?’ It may be, Sir, that our purse is empty. It is true that the impost is working cruelly upon us. But, Sir, if our purse is empty our credit is still high. To those that criticize the Bill on these lines my answer is that many of the purposes in this Bill can be served by the borrowing of money, except perhaps for the purpose of giving bounties. Even for that there is some hope. I think almost everything that is expected by the Government to be done under the provisions of this Bill can be done with borrowed money. My friend opposite told us that 18 or 19 lakhs may not suffice. I agree. But, Sir, that is a provision only for one year. I do not for a moment, Sir, mean to say that it will go a long way; but that is only for the first year. All these dark days cannot continue in our horizon. The cloud is no doubt there. But a silver lining is still visible, and though it is said to be shrouded in certain quarters, Madras will not keep quiet and bear like a brute the burden that is placed on its back just at present. The fight will be continued and the day must come when the authorities above will realize that after all justice will have to be done to us. Sir, my hon. friend opposite referred to certain matters connected with certain particular industries and gave me advice which I must say is wholesome. He referred to various industries like cotton, sugar, oil-seeds, paper, matches and water power. May I take this opportunity of mentioning that every one of these industries has been investigated by myself and by the Department of Industries? We have got information; we have got statistics and in some cases we have even got estimates in order to see what help can be rendered in these directions. While speaking of the natural resources of the country, my hon. friend referred to water force and the power that could be generated therefrom. May I tell him that in the last one year not less than three or four concessions have been granted for this purpose of generating electricity and just now there is a very big scheme under the consideration of the Government intended to supply not merely light and air by means of fans to the municipalities of Coimbatore, Coonoor and the Nilgris, but also with a view to supply power that may be necessary for the factories in the place from which my friend comes. These resources have not been neglected and let it be said to the credit of the department that they have been ever vigilant and that they have been hard worked. If to-day we have not been able to show

[Mr. K. Venkatareddi Nayudu]

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Clause 20—cont.

as much as we ought to have been able to show in substance it was because we had not powers enough and we had not machinery sufficient to deal adequately with the needs of the country. This Council has given this machinery and has given this power to the Government and all that I can say is that as long as I am here in this place, it shall be my earnest duty to carefully keep the provisions of this Bill in view and do everything that one can possibly do in trying to achieve the object which the Members of this House and myself have, namely, the industrial regeneration of this land."

The motion was put and carried. The Bill was passed into law.

(3)

THE MADRAS SURVEY AND BOUNDARIES BILL, 1921.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :

3-15 p.m.

"Mr. President, Sir, the House will remember that on the 13th November last I had the honour to present the report of the Select Committee which was appointed to report on the Bill to amend the law relating to survey of lands and settlement of boundary disputes and moved that the report of that Committee be taken into consideration. At that time some of the hon. Members pleaded that on account of the large number of motions that had been tabled and the short time given to them for studying the various amendments, most of them were unprepared to discuss them; and on behalf of Government I considered it only fair that while the plea urged was that of unpreparedness, I should raise no manner of objection at all. I, therefore, agreed that the further consideration of the Bill might be taken up at the next meeting of the Council and that is why, Sir, I move that the further consideration of the Bill to amend the law relating to survey of lands and settlement of boundary disputes be now taken up."

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—"I second the motion."

The motion was put and carried.

Chapter I—Clause 1.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur : "Sir, in clause 1 (1) the figure '2' has got now to be supplied after the figures '192'. This has been deliberately left out because we had no idea then as to when this Bill would be passed. I, therefore, move that the figure '2' be added to the figures '192'."

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—"I second it."

The motion was put and carried.

Clause 1 as amended was put, passed and added to the Bill.

Clause 2.

• Clause 2 was put, passed and added to the Bill.

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Clause 3.

Sub-clause (i).

The following amendments were not moved and were therefore deemed to have been withdrawn :—

Mr. K. PRABHAKARAN TAMPAN :—

1. *Add the following as item (f) :—*

Any janmam land in Malabar which is subject to separate assessment to land revenue or cess payable to Government or any local body.

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—

2. *Add the following as sub-clause (ii) :—*

' Ryot ' means a ryot as defined in the Madras Estates Land Act, 1908.

Renumber the remaining sub-clauses from (ii) to (ix) as (iii) to (x).

Sub-clause (viii).

Mr. C. V. VENKATARAMANA AYYANGAR :—" Sir, I beg to move—

3. *After the words ' survey officer ' insert the words ' or the bunds or fences recognized in the survey '.*

" There are some natural bunds and fences. I had a talk with an officer of the Survey department and he said that it would be better to add these words. I therefore move this amendment."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" I second the amendment."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur : " Sir, I consider that the addition of these words is superfluous. While the hon. mover of this amendment has had the benefit of consulting some retired officer of the Survey department, I may assure him at the same time that I have consulted a number of officers working in the Survey department and they give me just the opposite opinion. Reading the clause as it is, it is obvious that the addition of any words at the end of it will be meaningless, inasmuch as what is stated is that it should be a ' mark, or object erected, made, employed or specified by a survey officer to indicate or determine or assist in determining the position or level of any point or points '. I am inclined to think that the bunds or fences to which reference has been made in the proposed amendment will certainly come under the definition of ' mark ' or ' object ' which are mentioned in this clause. I do not see any necessity for burdening legislation with superfluous expressions. I cannot therefore accept the amendment."

Mr. C. V. VENKATARAMANA AYYANGAR :—" If the hon. Member thinks that there is no necessity for this amendment, I withdraw it."

The amendment was, by leave, withdrawn.

Clause 3 was put, passed and added to the Bill.

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Clause 4.

The following amendment was not moved and was therefore deemed to have been withdrawn :—

Mr. C. V. VENKATARAMANA AYYANGAR :—

4. *Add at the end the following :—*

‘ And may cancel such appointment by a special notification when found expedient ’.

Clause 4 was put, passed and added to the Bill.

Chapter II—Clause 5.

Mr. M. SURYANARAYANA :—“ Sir, I beg to move :

5. *Omit all the words occurring after the words ‘ such land ’.*

“ The object with which I move the amendment is this : Ordinarily when a survey of a ryotwari tract is ordered, or when a resurvey of a Government district is required, certainly there will be a demarcation boundary on every Government land which is being demarcated, and in the course of the demarcation it will certainly be necessary for the Government to demarcate the boundary between that land and any other land. But it often happens that in a zamindari estate there will be a lapsed inam which becomes the property of the Government. The question then arises as to the nature of the boundary and the officer to whom the powers are delegated, say the District Collector or the divisional officer or a survey officer, has to settle it ; and all the requirements in the Survey Act will be followed, that is, a summary procedure as laid down in the Act will be followed and not the ordinary procedure followed by the civil courts.

“ There is absolutely no reason why the rights of a party should be curtailed in the way in which the Survey and Boundaries Act does. In the ordinary course, the Government ought to fight out the question of boundary as between the Government and a private party and as between one private party and another. That is why I say that all the words occurring after ‘ such land ’ should be omitted, with a view merely to safeguard private interests when the question is only with regard to mere boundary.”

Sriman SASIBHUSHAN RATH Mahasayo seconded the amendment.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur : “ Sir, I am sorry I am unable to comprehend exactly the point of view of the hon. the proposer who has just spoken on this matter. If I understand the object of this Bill aright, it is, I take it, the determination of boundaries. Whether the boundary lies between two private owners or whether the boundary lies between one private owner and Government, all the same the surveying of that boundary and the determination of that boundary as such have to be done under this Bill. There is no other enactment, no other law in force under which the boundary between a private individual and Government can be surveyed or demarcated. This is the only provision under which the Government can take any action for the settlement of boundary disputes which may arise in respect of private holdings and their own lands. This provision has been in existence since the year 1897. The only thing that now seems to have attracted the special notice of the House appears to

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Clause 5—cont.

be that in the present Bill we have followed a particular procedure. Formerly there was a separate chapter devoted wholly and solely for demarcation of boundaries. We considered the existence of a separate chapter unnecessary. So we have abrogated absolutely that chapter from the existing Act. We have brought the survey of lands and the determination of boundaries on one and the same level and have incorporated the survey of land and demarcation of boundaries automatically, side by side, into every appropriate clause in the present Bill. That is why you find the words 'or of the boundary forming the common limit of Government land and land that is not Government land' appearing here. I would ask the House to point out to me whether there is any other provision under which Government can do it. Supposing there is a dispute between Government land and private land, supposing there is a dispute between a zamindari boundary and a Government boundary, under what provision of law, under what other Act, under what other statute can Government interfere for the purpose of determining what the boundary between the zamindari land and the Government land should be. If that clause is taken away from this enactment Government will be left absolutely powerless. The only consequence will be that in every such dispute, either the zamindar or the Government will be forced to go to court. I only appeal to the hon. the mover to consider whether it is his intention to drive the zamindar and the Government to court over every little dispute."

Mr. M. SURYANARAYANA :—"There are specific instances where, I am afraid, the Bill ought not to be used in favour of the Government. In the zamindari of Vizianagram there is a lapsed *inam* in regard to the boundary of which there is dispute as to whether the eastern boundary is the zamindar's patta land or Government land. It is only with reference to such points that the Government will be asked to go to civil courts and not proceed under the Survey Act."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur : "All that I can say is that if the result of the survey and boundary adopted by the Government in respect of the particular instance now referred to is found unsatisfactory, the zamindar or the proprietor of that *inam*, as the case may be, has got the same right as any other individual who comes under this enactment, to contest the determination of that boundary by the survey officer in a court of law for which elaborate provisions have been made in the subsequent clauses."

The amendment was by leave withdrawn.

Clause 5 was put, passed and added to the Bill.

Clause 6.

Sub-clause (1).

Rai Bahadur T. M. NARASIMHACHARLU :—"Sir, I beg to move—

6. *After the word 'notification' in line 19 insert the words 'in the district gazette and by beat of tom-tom in the village in which the land or the boundaries of which the survey has been ordered.'*

[Mr. T. M. Narasimhacharlu] [20th December 1922]

Clause 6—cont.

“My reason for this amendment is that this clause which provides for the publication of a notification, is unhappily very vague. It reads:

When any survey is ordered under section 5, the survey officer shall publish the notification inviting all persons having any interest in the land, etc.

The survey officer may publish a notification in Madras concerning a village in Ganjam. I think the notification must be more specific and precise.”

The hon. Sir CHARLES TODHUNTER:—“Sir, may I point out that the amendment is not properly worded, and the sense is incomplete for want of a verb in the relative clause?”

Rai Bahadur T. M. NARASIMHACHARLU:—“I do not wish to press my amendment.”

The amendment was by leave withdrawn.

Mr. B. MUNISWAMI NAYUDU:—“Sir, I beg to move—

7. *After the word ‘notification’ in line 19 insert the words ‘in two successive issues of the district gazette and in the village or villages where the land to be surveyed is situate in such manner as may be prescribed.’*

“Sir, the object of this amendment is that the form of notification should be clearly expressed in the statute and not left to be provided for in the rules. I believe, Sir, my amendment is not open to the technical objection to which the amendment of my hon. friend Mr. Narasimhacharlu was exposed. With these words I move my amendment.”

Mr. A. T. MUTTUKUMARASWAMI CHETTIYAR seconded the amendment.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur: “Sir, I may at once state that these are matters which are always provided for by the rules. In the present Bill also power has been given to the Government to frame rules, and one of the clauses in the Bill itself covers a contingency of this description. When the rules are framed, it will certainly be up to the Government to consider, taking all circumstances into account, which will be the best, the most effective and the most useful method of publishing these notifications so that they may as far as possible reach all the individuals concerned.

3-45 p.m. “The General Clauses Act, with a view to remove the necessity of having to introduce into every enactment the specific mode of publication, has laid down that, whenever it is ordered in any piece of legislation that a notification should be published, it should be understood as meaning that that notification should be published in the official gazette of the province and of the district concerned. There are similar provisions in the District Forest Act and the Land Acquisition Act which merely mention the issue of notifications and leave the method, in which these notifications are to be issued and the manner in which they are to be made to reach the public at large, to the province of rules. Therefore, when we come to the stage of framing rules we shall certainly keep in mind the various suggestions that have been made by hon. Members in this House as to the manner in which these notifications are to be published. I hope that with this assurance the hon. mover will withdraw his amendment.”

Mr. B. MUNISWAMI NAYUDU:—“Sir, I know that the provision referred to exists in the General Clauses Act; and, if I remember rightly, when giving notice of this amendment, I looked into the General Clauses Act.

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Clause 6—cont.

But I think that in that Act it is stated that notification means notification in the *Fort St. George Gazette* but not in the *District Gazette*. But if the hon. the Revenue Member says that the section in the General Clauses Act defines notification as including a notification in the *District Gazette*, I may consider whether I can withdraw my amendment. I only want the hon. the Revenue Member's explanation and assurance on the point."

Diwan Bahadur Sir T. DESIKA ACHARIYAR :—" May I point out, Sir, that this is a matter which has to be considered later on under clause 26 (e) which makes provision for the publication of all notifications issued under this Bill, and for the form, issue and service of all orders, communications and notices? It comes under the rule-making powers of the Government and possibly hon. Members may consider it at the time we come to clause 26 (e)."

Mr. A. RANGANATHA MUDALIYAR :—" I think, Sir, all ambiguity will be removed if the words 'in the prescribed manner' are inserted between the words 'notification' and 'inviting'. In that case the whole of the trouble we are now trying to solve will disappear. We can consider what to prescribe when we come to clause 26 (e)."

Mr. T. SIVASANKARAM PILLAI :—" My hon. friend, Mr. Ranganatha Mudaliyar, says that the insertion of the words 'in the prescribed manner' will remove the trouble. I may say that this suggestion forms the subject of a different amendment (No. 9 on the Agenda) which stands in the name of Mr. A. S. Krishna Rao."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur : "I shall have no objection, Sir, to add the words as proposed, but I consider them absolutely unnecessary. For everything has to be done in the prescribed manner, and there is a separate clause [clause 26 (e)] which makes it incumbent on the Government to prescribe the manner in which every process has to take place under the Bill. But if it is the desire of the House that the words 'in the prescribed manner' should be added after the word 'notification', I have not the least objection."

Mr. B. MUNISWAMI NAYUDU :—" Sir, it has been explained that in clause 26 (e) of the Bill there is a provision for rules for the publication of all notifications, etc., issued under this Bill. But the object of this amendment is to make it more specific. The object of my amendment is that the notification should not only be published in the *District Gazette* but also that it should be given wide publicity in the villages affected by beat of tomtom or otherwise. Secondly, the way in which that notification is to be published is stated in my amendment to be made in such manner as may be prescribed. So that if this amendment is accepted, clause 26 (e) of this Bill will come into operation and we can then prescribe the method. In view of the very extraordinary effect which is proposed to be given under this Bill to the decisions of the survey officer, namely, that they cannot be set aside after one year, etc., I think it is absolutely necessary that a definite statement should be made in the Bill itself as to the manner of publication of the notification in the villages. I hope that for these reasons the hon. the Revenue Member will accept my amendment, though he may think that the addition of the words will be unnecessary, as another executive rule may be passed to give effect to it under clause 26 (e)."

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Clause 6—cont.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—
 “All that I have been asked to say, Sir, is that I should accept the suggestion that the notification should be published in the District Gazette. We know that there is a village sheet attached to the District Gazette. That village sheet goes to the village officer, and the village officer has to fix that village sheet on the village chavadi. We know the whole process incidental to village organization. The hon. mover merely asks that I should agree to the publication of the notification in the District Gazette. But I have said already that if the words ‘in the prescribed manner’ are added after the word ‘notification’, when the Government make rules under section 26 (e) and lay them on the table of this House, as is provided for in that clause, I shall surely be prepared to consider the question that the notification shall be given wider publicity than what probably my hon. friend now suggests. I hope this assurance will satisfy the hon. mover.”

Mr. B. MUNISWAMI NAYUDU :—“After the assurance given by the hon. the Revenue Member that in the rules to be framed by Government he would give effect to the proposal contained in my amendment, I beg to withdraw my amendment.”

The amendment was by leave withdrawn.

Mr. A. RANGANATHA MUDALIYAR :—“I formally move, Sir, that the words ‘in the prescribed manner’ may be added after the word ‘notification’.”

Diwan Bahadur M. KRISHNAN NAYAR seconded the amendment.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—“I accept the amendment.”

The amendment was put and carried.

Mr. S. ARPUDASWAMI UDAYAR :—“I am not very particular about moving the amendment which stands against my name, and which runs as follows :—

8. After the word ‘notification’ in line 19 insert the words ‘in the district gazette a copy of which shall be put up in a conspicuous place, the taluk cutchery or the village chavadi, as the case may be, and communicated by beat of tom-tom.’

“I would only ask the hon. the Revenue Member not to forget a very important point, i.e., the notification by beat of tom-tom. The villagers are so very ignorant that all these things have to be hammered into their ears by tom-tom, and I believe that the hon. the Revenue Member will make provision for giving such publicity.”

The amendment was therefore deemed to have been withdrawn.

The following amendments were not moved and was therefore deemed to have been withdrawn :—

Rao Bahadur A. S. KRISHNA RAO PANTULU :—

9. For the words ‘publish a notification inviting’ substitute the words ‘give notice in the prescribed manner to.’

Sub-clause (2).

Rao Bahadur A. S. KRISHNA RAO PANTULU :—

10. Omit this sub-clause.

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Clause 6—cont.

Mr. M. SURYANARAYANA :—

11. *After the word 'boundaries', insert the word 'thereof' and omit the words 'of which the survey has been ordered'.*

New sub-clause.

Mr. M. SURYANARAYANA :—“Mr. President, Sir, I beg to move the following amendment :—

12. *Add the following as sub-clause 3 :—*

'Such notification shall further require all registered holders of the lands about to be surveyed—

(a) to clear within a period specified, by cutting down or removing any trees, jungle fences, standing crops or other material obstructions, the boundaries or other lines, the clearance of which may be necessary for the purposes of the survey;

(b) to provide labour at such times and for such periods, as may from time to time be required by furnishing flag-holders and chainmen;

(c) to provide suitable survey marks or otherwise to give such assistance in the survey as may reasonably be demanded under this Act or the rules made thereunder.

Provided that in every case, in which the registered holder can be ascertained, a special notice shall, in addition, be served on him, in the manner provided for service of a notice under the Madras Estates Land Act.'

“Hon. Members will notice that this new sub-clause is practically section 6 of the old Act—I suppose I am entitled to call it an old Act, for it is bound to become an old Act perhaps in a few hours. The old Act provided that a notification requiring a survey should further require all registered holders of the lands about to be surveyed—(a) to clear, within a specified period, by cutting down or removing, any trees, jungle fences, standing crops or other material obstructions, etc., as stated in the new proviso for the addition of which I am now moving this amendment. This provision has been omitted in the new Bill, and the hon. the Revenue Member has been pleased to tell us in the Statement of Objects and Reasons appended to this Bill that he did so because under the old Act this provision was not working very well. This explanation to my mind does not appear to be very satisfactory. I really do not see how Government work can be handicapped by reason of the fact that a notification is also issued requiring the registered holders to clear the jungles or to provide survey stones. We all know very well, and it is a matter that does not require any discussion, that the cost of anything, when done by the Government, will be infinitely more than the cost of the same thing when done by private agency. I am quite sure that the cost of the survey stones supplied by the Survey Department will be far higher than when they are supplied by ourselves. Registered pattadars are in most of the cases ryots of ryotwari holders. Being ryots themselves, they can command good cattle; they have also labour facilities, for they have under-tenants and sub-tenants; and they can furnish as many carts as may be required by the survey officer. They can also get jungles cleared and obtain such labour as may be necessary for the survey officer. This will certainly involve a cost far lower than it will eventually be if the Government got the work done.

[Mr. M. Suryanarayana]

[20th December 1922]

Clause 6—cont.

According to the next clause, the cost, if any, of the labour employed and of the survey marks used in any survey notified under section 5, will be determined and apportioned among the persons who have any interest in the land or in the boundaries of which the survey has been ordered. This means that all the cost will eventually be borne by the pattadars, and it will certainly be far greater than what will cost them if the work is allowed to be done by themselves. I do not also believe that the Government will lose in any way, for after all, if the registered pattadar does not, within the period prescribed by the survey officer, do the things required from him, the Government can certainly get the work done and then they will be able to recover the cost from the pattadar. I do not therefore see how the Government will be hampered in any way. It must be conceded that between the date of the notification of the survey and the date when the actual survey operations commence, there will be some time, and if, within this time, the registered holders do not supply the necessary things, the Government can get the work done itself. I do not see any reason which can come in the way of section 6 of the old Act being re-enacted in this Bill. I therefore commend this new sub-clause to the favourable consideration of the House."

Mr. R. SRINIVASA AYYANGAR :—"I second this amendment, Sir."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :

4 p.m.

"I would only urge that it is rather wrong to imagine that this Bill in any way prohibits the supply by the landholder concerned of either stones or labour, for the conduct of the survey, for the intention of this new clause proposed by my hon. friend opposite evidently is for the purpose of enabling the landholder to do so. It is true, Sir, that in the original draft of the Bill which was placed before the Select Committee the words in clause 8 did not convey any interpretation whereby it could be inferred that survey stones or labour could be supplied by the landholder himself. For, the original Bill merely contained the words

the cost of the labour employed and of the survey marks used in any survey notified under section 5 shall be determined and apportioned . . .

"The Select Committee, who very carefully examined this Bill, I confess, took the same view as the hon. the mover has now taken and were of opinion that it would be fair to give every opportunity to the landholder to supply stones and labour in the first instance if he was so inclined to do, and that it was only when he failed to do so that the officer responsible for the survey should step in and do the needful. For, the survey processes cannot be prolonged until it pleases a particular landowner to provide a couple of coolies or to dump down a couple of stones. So they very wisely added the words *if any* after the word 'cost'. Then again, they translated their intention into action by laying down in clause 26 (f), an obligation on the Government to frame rules for the purpose of regulating the furnishing of survey marks, labour and such materials as are necessary to surveys notified under the Act. Therefore, Sir, reading the addition made by the Select Committee in clause 8 and the provision which exists in clause 26 (f) whereby the Government have to frame rules for the purpose of enabling landowners, who are so minded, to supply stones and labour, I think a separate clause by itself is absolutely unnecessary."

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Clause 6—cont.

Mr. T. SIVASANKARAM PILLAI :—“Sir, I had occasion to explain the provisions of this Bill to the villagers in the several places I visited, and all of them are anxious that something definite should be provided for in the Bill or under the rules to call upon the ryots concerned to supply the labour or the stones so that they may themselves do it without any cost. Since the hon. the Revenue Member has promised that this will be considered while framing the rules, I only wish to urge that whatever is suggested in these amendments may go bodily into the rules, and request that he may remember this and make the rules as elaborate as possible.”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur : “Oh, yes. I will not forget the 20th of December in any case.”

Mr. M. SURYANARAYANA :—“In the Statement of Objects and Reasons in paragraph 4 we find :

The arrangements defined in the Act, under which any particular landholder may supply labour and stones, are not really workable, and therefore it is proposed in future that Government should pay the initial cost of all surveys and recover it.

“It is therefore an express provision. But when the Bill went to the Select Committee, the hon. the Revenue Member says, the words ‘if any’ were advisedly put in there to meet a contingency such as that I have mentioned. But I beg to draw the attention of the hon. the Revenue Member to the fact that in the notes of the report of the Select Committee on clause 6, we do not find that the words ‘if any’ were inserted with that object. They say :

We have considered the adequacy of notification under section 6, but it has been pointed out to us that during the operations of settlement both before and after survey every endeavour is made to ascertain the real owners of land.

“It is only for that reason that the Select Committee was actuated to introduce the words, ‘if any.’ In the absence of a positive assertion by the hon. the Revenue Member in the Statement of Objects and Reasons stating the reason why clause 3 has been omitted, I am afraid it will not be possible for us to conclude that it will be possible for the ryotwari pattadars to contribute labour and furnish stones. The hon. the Revenue Member told us that under clause 26 (f) it would be possible for rules being made to regulate the furnishing of survey stones, labour and materials required under this Act. It is certainly open to the Government to make rules for the purpose of furnishing survey marks. But by whom? Not by pattadars. The rules need not necessarily say anything with regard to the manner in which the pattadars or registered holders should supply those things. There is absolutely nothing in the Bill to say that it is the pattadar that should be asked to do it. The Government, in framing rules, may say that there is no provision in the Bill and make rules for the furnishing of survey marks. It is only to guard against this that I brought forward my amendment; otherwise I should certainly not be very particular about pressing it. My only object is to see that the work is left to be done by the pattadar in the first instance, and if not done by him, by the Government.”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur : “We have every intention to enable the ryots to supply their own labour and stones, and that question will certainly be borne in mind when the rules are framed.”

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Clause 6—cont.

Mr. A. RANGANATHA MUDALIYAR :—" May I say a word, Sir? The hon. the Revenue Member, I think, has indicated to us that when it is left to him he will certainly frame rules in the manner recommended by the hon. the mover. I wish, Sir, that these provisions are incorporated in the Bill itself instead of being left to rules and regulations which will be framed and modified not by this Council but by the Local Government. This is too serious a matter, I think, to be left to the caprices and whims of one or two of the members who constitute the Government. I would rather urge, Sir, that the provisions are embodied in the Bill itself. The hon. the Revenue Member referred now to the notifications that are issued in the district gazette and in the village chavadi where a sheet is to be hung up. I would ask the hon. the Revenue Member how often, during his tours, he found such notifications in the village chavadi. I do not think he has found many. Therefore, the provision is quite necessary.

"More important still is the last clause which says :

Provided that in every case, in which the registered holder can be ascertained, a special notice shall, in addition, be served on him, in the manner provided for service of a notice

"I have not much objection in regard to other methods of publicity, but this provision which insists upon a special notice being served upon the person is one which will bring to the knowledge of the person concerned the survey to be conducted, and therefore it is very important. I think that every opportunity should be given to the poor ryot to provide the materials himself whenever it is possible for him to do so, rather than do things behind his back and force him to pay an express sum of money."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" I am really unable to understand the position of the hon. Member in charge of the Bill. This particular proviso which my friend, Mr. Suryanarayana, wishes to see included in clause 6 was in the old Act. It is part of the survey notification. The hon. Members will notice under clause 6 :

the survey officer shall publish a notification inviting all persons having any interest in the land or in the boundaries of which the survey has been ordered, to attend at the time of the survey.

"and the further proviso to that clause in the Act which prescribes how such notifications should be sent to all the registered holders and that notices should be served on them so that they may be present and assist the survey officers at the time of the survey. Such being the fact, I do not quite understand why this has been omitted in the present Bill."

Rai Bahadur T. M. NARASIMHACHARLU :—" As the hon. the Revenue Member has assured us that this point will be remembered while framing the rules, I think, Sir, we may rest assured that it will be done so. But if it is not done, under section 26, sub-clause (3), the rules that will be made will be laid on the table of the Legislative Council for a period of not less than two months while the Council is in session. If these rules do not incorporate the promises made by the Revenue Member, I think the time will come when we shall catch him. Then we can amend the rules ourselves and see that provision is made for the landholders to supply materials. I

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Clause 6—cont.

think, Sir, that this kind of provision was not in the old Bill. Now that he has promised to incorporate it in the rules, when the rules are placed before us without that provision, we can point out that his promise has not been fulfilled."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"I am afraid the hon. Member, Mr. Narasimhacharlu, has not exactly realized the supposed undertaking given by the hon. the Revenue Member. The hon. the Revenue Member did not state that he would incorporate that provision in the rules but simply stated that he would remember the suggestion and the discussion of the 20th December. Therefore let us not proceed on the basis that he will incorporate it in the rules and that it is unnecessary for us to accept this amendment.

"Again, Sir, I wish to point out that it is not a correct principle to allow all questions of importance to be relegated to the rules. We have been very free in giving the rule-making power to the Government. But the correct principle is to restrict it as much as possible and provide it only for matters of detail where we cannot come to a correct understanding all at once. There has been a fairly large amount of opinion in favour of this clause so that it is absolutely essential that this should be incorporated in the Bill itself. I think that, if we leave it to the rules, we shall be practically relegating our function to some other body over which we have not that amount of control as we imagine, and we shall have to regret later on. For these reasons, I think that this amendment should be supported."

Diwan Bahadur Sir T. DESIKA ACHARIYAR :—"Sir, I am not able to understand the object of the mover of this amendment. 4-15 p.m. Whatever is contained in this amendment will come under clauses 26 (e), (f) and (g). All that the amendment requires is that provision should be made for suitable survey marks or otherwise to give such assistance in the survey as may reasonably be demanded under this Bill or the rules made thereunder. Such notification further requires all the registered holders of the lands about to be surveyed to clear the trees, bushes, etc., within a period specified. In my opinion these things have to be relegated to the proper place, namely to the rules. These are not substantial portions of the legislation and therefore they should go into the provision relating to rules."

Mr. M. SURYANARAYANA :—"Sir, as suggested by my hon. friend, Mr. Krishna Rao, I think it is far better that provisions of this sort are embodied in the Bill itself and not relegated to the rules. I therefore press the motion."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"I have already replied, Sir, that I would bear this in mind when framing the rules. I think provisions of this sort should be embodied in the rules and not in the body of the Bill."

The amendment was by leave withdrawn.

Clause 6, as amended, was put, passed, and added to the Bill.

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Clause 7.

The following amendment standing in the name of Mr. Suryanarayana was not moved and was therefore deemed to have been withdrawn :—

13. (a) *Number the existing clause as sub-clause (1).—*

(b) *Add the following as sub-clause (2) :—*

‘If any person fails to comply with any requisition made by a survey officer under section 6, sub-clause (a), (b) or (c) of clause 3 and clause 4 of the same section the survey officer may employ hired labourer for the purpose of the survey or provide himself with suitable survey marks, as the case may be.’

Clause 7 was put, passed and added to the Bill

Clause 8.

Mr. M. SURYANARAYANA :—“ Sir, I beg to move the following amendment :—

14. (a) *After the word ‘apportioned’ in line 38, insert the words ‘in the prescribed manner.’*

(b) *Delete the words ‘in the prescribed manner’ in line 41.*

“ The object is that the determination and the apportionment of the cost of the survey should be in the prescribed manner. As the clause now stands, the words ‘in the prescribed manner’ may relate to the survey and not to the apportionment of the determination of the cost of survey. With a view to clear this ambiguity I have suggested the above amendment.”

Sriman SASIBHUSHAN RATH Mahasayo seconded the amendment.

The hon. Khan Bahadur Sir Muhammad Habib-ul-lah Sahib Bahadur accepted the amendment.

The amendment was put and carried.

Mr. A. RANGANATHA MUDALIYAR :—“ Sir, clause 8 says :

The cost if any of the labour employed and of the survey marks used in any survey notified under section 5 shall be determined and apportioned among the persons who have any interest in the land.

“ Sir, if a taluk is to be surveyed, how are they going to calculate the cost ? I expect that the entire cost will be made up of the value of the stones used and the cost of the labour utilized. I suppose all that will be taken as a lump sum. If that be the case, I should like to know how they are going to distribute the amount among all the registered holders. It may be that some men have provided their own labour and furnished their own stones. How are these people going to be helped for the work undertaken by them. If the taluk happens to be the unit, or the village for the matter of that, I do not know, Sir, how this apportionment of cost is going to be effected.”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur : “ I shall merely draw the attention of the hon. Member to the words ‘in the prescribed manner’ in line 41. How the recovery has to be made will be prescribed. I shall also draw the attention of the hon. Member to clause 26 (f) which says :

The Local Government may make rules regulating the furnishing of survey marks, labour and other matters necessary to surveys notified under this Act and the recovery of charges incidental thereto where they are recoverable.

“ Probably the hon. Member himself knows how these charges are collected at the present moment. At the same time I quite confess that I am not satisfied with the way in which calculations have been made in the past,

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Clause 8—cont.

because that method has left a large amount of outstandings to be collected now. The question of bringing about a better state of things in the matter of adjustment of these amounts is engaging my attention and I assure the hon. Member that proper rules will be framed to regulate the apportionment of cost."

Clause 8 was put, passed and added to the Bill.

Clause 9.

Mr. M. SURYANARAYANA :—"Sir, I beg to move the following amendment :—

15. Delete this sub-clause ;

or (if the above amendment is not carried by the Council), after the word 'decision' in line 52 insert the words 'together with a sketch'.

"I do not intend to pursue the amendment so far as the deletion of the clause is concerned. I shall therefore proceed with the second alteration that I have suggested namely the insertion of the words *together with a sketch*. Hon. Members will notice that under clause 10 when a boundary is in dispute, the survey officer, after making an inquiry, will pass a decision and a copy of the decision will be communicated to the party concerned together with a map. I do not see any reason why an absentee pattadar—an *ex parte* ryot as we would call him in a civil suit—should not be supplied with a copy of the decision and a copy of the plan also. It seems to me that it is but fair that he should get notice of the manner in which the survey has been conducted and also get a copy of the map along with the decision in the same way as he will get a copy of the decision under clause 10."

Sriman SASIBHUSHAN RATH Mahasayo seconded the amendment.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur : "Sir, I am not sure if the hon. Member realizes what he is bargaining for. I believe my hon. friend has an idea of the total number of holdings that are surveyed in a particular district when a survey party is operating there. If he is not already aware of the number of undisputed cases in each district, I may tell him at once for his information that it is only in 3 per thousand of the cases there are disputes and in the remaining 997 cases there are no disputes at all. If the hon. Member's suggestion is accepted, we shall be obliged to supply to several lakhs of pattadars in a district a copy each of the plan in respect of the boundary which has been surveyed and this means an equal amount of expenditure which I am quite sure the Council will not have the large-heartedness to vote for. Then again the hon. Member has drawn our attention to the fact that whereas there is provision in clause 10 for the grant of a copy of the decision with a map, the same has been eliminated from clause 9. The hon. Member took great care to stop at the particular part of the clause which was in his favour and omitted to read the last few words. The last few words are : *on his application and at his cost*. If it is the intention of the hon. mover of this amendment that in case of a determination under clause 9 also the party should be supplied with a copy of the decision *on his own application*

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Clause 9—cont.

and at his cost, then I shall have the least objection to adopt that suggestion. I took into consideration the number of amendments which have been tabled on clauses 9, 10 and 11 with regard to the grant of copies, the issue of notice and the decision of the survey officers, and, with a view to carry out the intentions of the various hon. Members in a compendious form, I propose to move an amendment, the draft of which I now have in my hands. I shall move that amendment after clause 11 is passed. The amendment which I intend moving runs thus :

Any person affected by a decision under sections 8, 9 or 10 may appeal to the prescribed officer. The decision of the appellate authority with reasons therefor shall be recorded in writing and notice of such decision shall be given in the prescribed manner to the parties to the appeal. Any modification of the survey officer's decision ordered by the appellate authority shall be noted in the record prepared under section 9 or 10 as the case may be.

A copy of the order under sections 9, 10 or 11 and a copy of the map recording the boundaries as determined under sections 9, 10 or 11 (1) shall be furnished to any person interested in such order as the case may be on his application and at his cost."

Mr. M. SURYANARAYANA :—" Sir, as the hon. the Revenue Member stated the majority of cases will be *ex parte* cases and therefore how is a pattadar to know the exact date when a particular decision was given and when the demarcation was made in a particular manner. With a view to enable him to prefer an appeal under clause 11 within the prescribed period, it is necessary that he should be furnished with a copy of the decision under clause 9. Even under clause 9 a person against whom an order has been passed has the right of appeal; but how is he to appeal unless he has notice of the fact and of the manner in which the demarcation has been made? It is therefore necessary that the party should be informed of the decision."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur : " Sir, I may point out that clause 9 (2) definitely lays down :

Notice of every decision of the survey officer under section 9 (1) shall be given in the prescribed manner to the registered holders of the lands the boundaries of which may be affected by the decision.

" If it is a disputed case it is governed by clause 10 ; if it is an undisputed case it is governed by clause 9. The decision of the survey officer, whether it is based on disputes inquired into or on cases not disputed, should be communicated to the landholder concerned. Inasmuch as we have provided for the communication of the decision even in undisputed cases, the party has the right to submit his appeal under clause 11. Clause 11 clearly says that a person affected by a decision under clauses 8, 9 or 10 may appeal to the prescribed officer. We have made it obligatory on every survey officer to communicate his decision in every case, both when the dispute has been enquired into and when there has been no dispute. Under these circumstances, I hope the hon. mover will not press his amendment."

The amendment was by leave withdrawn.

Clause 9 was put, passed and added to the Bill.

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Clause 10.

The following amendments were not moved and were therefore deemed to have been withdrawn:—

Sub-clause (1).

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—

16. *For the words 'such inquiry as he considers necessary' substitute the words 'an inquiry in the prescribed manner'.*

Mr. C. V. VENKATARAMANA AYYANGAR:—

17. *For the words 'after making such inquiry as he considers necessary' substitute the words 'after making inquiries in the prescribed manner'.*

The following amendment standing in the name of Mr. S. Arpudawami Udayar was deemed to have been withdrawn as the Member was not in his place:—

18. *After the word 'necessary' in line 7, insert the words 'and after carefully going through the documents produced and the maps and records of the previous survey, if any.'*

Sub-clause (2).

The following amendment was not moved and was therefore deemed to have been withdrawn:—

Mr. C. V. VENKATARAMANA AYYANGAR:—

19. *For the word 'Notice' substitute the word 'Purport'.*

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB
4-30 p.m. Bahadur: "I ask, Sir, that in clause 10 (2) the last sentence be omitted; for, I want to bring everything under one category. If this is accepted, I shall move my amendment to clause 11 presently. The following is the sentence I propose to omit:

A copy of the order and of the map recording the boundaries as determined shall be furnished to any of them on his application and at his cost."

The hon. Sir CHARLES TODHUNTER:—"I second it."

The motion was put to the House and passed.

Clause 10 as amended was put, passed and added to the Bill.

Clause 11.

Mr. M. SURYANARAYANA:—"The motion that stands in my name runs thus:—

Add at the end the words 'and the appellate authority shall also communicate his order on appeal to the party concerned.'

"The object with which I tabled this amendment was to enable the party who had to submit an appeal against an order under sections 8, 9 or 10 to obtain a copy of the decision to enable him to file a suit under clause 14. I know that clause 13, as it is, prescribes a period of one year from the date of the final publication of the notice in the gazette with regard to the conclusion of the survey. Instead of that we can have the order of the appellate authority communicated to the party concerned just as an order under clause 10 which lays down that 'notice of every decision of the survey officer under section 10 (1) shall be given in the prescribed manner to the parties to the

[Mr. M. Suryanarayana]

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Clause 11—cont.

dispute and other registered holders of the land the boundaries of which may be affected by the decision. Similarly, there is absolutely no reason why a notice of the decision under clause 7 should not be given to the party."

Mr. T. C. SRINIVASA AYYANGAR :—" I second it."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" I imagined that on a previous motion when I had made my position somewhat clear I had stated that I was myself going to propose an amendment to this clause with a view to carry out the intentions of the various hon. Members who have given notice of amendments. So, my proposal now is to substitute the following for the existing clause :—

' Any person affected by a decision under sections 8, 9 or 10 may appeal to the prescribed officer. The decision of the appellate authority with reasons therefor shall be recorded in writing and notice of such decision shall be given in the prescribed manner to the parties to the appeal. Any modification of the survey officer's decision ordered by the appellate authority shall be noted in the record prepared under section 9 or 10 as the case may be.'

" I have merely transposed a few words so as to be in accord with the desire of the hon. Members."

Mr. M. SURYANARAYANA :—" Sir, in view of the amendment the hon. the Revenue Member is proposing, I beg leave to withdraw my amendment."

The amendment was by leave withdrawn.

The following amendment was not moved and was therefore deemed to have been withdrawn :—

Rai Bahadur T. M. NARASIMHACHARLU :—

Add the following as a separate paragraph :—

' Notice of the decision of the appellate authority shall be given in the prescribed manner to the parties to the dispute and other registered holders of the land, the boundaries of which may be affected by the decision.'

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" Mr. President, I beg to move :—

In clause 10 (2) omit the second sentence.

For clause 11 the following shall be substituted :—

11. (1) *Any person affected by a decision under section 8, 9 or 10 may appeal to the prescribed officer. The decision of the appellate authority with reasons therefor shall be recorded in writing and notice of such decision shall be given in the prescribed manner to the parties to the appeal. Any modification of the Survey officer's decision ordered by the appellate authority shall be noted in the record prepared under section 9 or 10 as the case may be."*

The hon. Sir CHARLES TODHUNTER :—" I second it."

The motion was put to the Council and agreed to.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" For the reasons I have already explained and in fulfilment of the promise I have already made I beg to move that the following be added as clause 11 (2) :—

A copy of the order under section 9, 10 or 11 and a copy of the map recording the boundaries as determined under section 9, 10 or 11 (1) shall be

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Clause 11—cont.

furnished to any person interested in such orders as the case may be on his application and at his cost."

The hon. Sir CHARLES TODHUNTER :—" I second it."

Mr. M. SURYANARAYANA :—" I propose that the words ' and at his cost ' in clause 11 (2) be omitted. It seems to me that since it does not cost much to the Government and since it is inconvenient to the parties to go and wait at the Survey office to get copies of the decisions, etc., it is very desirable that the parties should not be asked to pay the cost of copying, etc. It is only a small piece of paper."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" I am quite prepared to be charitable if the House is charitable. I may at once tell the House that I shall have to pay a heavy bill if I am asked to entertain the required establishment for the purpose of taking copies of every one of the maps, etc., and furnish them in all uncontested cases. I may inform the House that 99·7 cases out of 100 are uncontested and in a very large percentage of these cases the parties may not care how the boundary has been settled and what decision has been made. If I am asked to furnish automatically a copy of the map, etc., in all these cases too, I may tell the House that it will mean lakhs of rupees in the survey budget, estimates and that the House cannot afterwards find fault with me for being extravagant."

Mr. M. SURYANARAYANA :—" I believe that in 99 cases out of a hundred the parties do not apply for copies of maps, etc. If you will permit me, Sir, I will propose the deletion of the words by moving an amendment."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" I am sorry, Sir, that I cannot accept it. I wish to warn the hon. Member once more that it will be very difficult for the officer concerned to know in what cases an appeal will actually be preferred."

The hon. the PRESIDENT :—" If the hon. Member wishes to press his point, he must formally move his amendment."

Mr. A. RANGANATHA MUDALIYAR :—" I rise to ask the hon. Member, Mr. Suryanarayana, not to move his amendment. For the House will have power to look into the rules when they make the regulations. I think my hon. friend may have his chance then if he wishes to incorporate his idea into the Bill. I would now request him, Sir, with your permission, not to move it."

Clause 11 (2) as proposed by the hon. the Revenue Member was put to the House and carried.

Clause 11 as amended was put to the Council and carried, and added to the Bill.

Clause 12.

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" Sir, I move

For the word ' two ' in line 31 substitute the word ' three '.

"The effect of the amendment would be that the time for preferring an appeal would be extended from two to three months. Hon. Members of the Council are aware that questions affecting boundary disputes are complicated

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Clause 12--cont.

and will take some time before one can ascertain exactly what the difficulties are and how to meet them. A period of two months is too short in the case of these appeals and I suggest its extension to three months. We also know that in various cases in revenue matters the ordinary period of appeal, except in the case of appeals to the Collector, is three months, and I do not see any reason why in a complicated matter like this the period should be reduced to two months. We also find that it will take some time before one can get oneself acquainted with the facts of the case. Again, the parties may be in different villages and it may take time for communication of orders to them. In these circumstances, I move for the extension of the period."

The hon. the PRESIDENT:—"The hon. Member, Mr. Krishna Rao, proposes the amendment only in one line of the clause. The next amendment proposes to insert 'three months' for 'two months' in the clause wherever the words occur. I think it better to take up the second amendment."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"I then withdraw my amendment, Sir."

The amendment was by leave withdrawn.

Mr. B. MUNISWAMI NAYUDU:—"Sir, I beg to move

For the words 'two months' wherever they occur in this clause substitute the words 'three months'.

"Sir, the object of this amendment is to provide for sufficient time for preferring appeals. The survey parties to whom we have to apply for copies go from village to village and district to district and it takes much time for the application to reach them. Moreover, we do not know to which officer the application should be made and in many cases when we apply for copies, the memorandum is returned to be sent to some other officer. It takes some time at the outset even to apply for a copy. And though there is a provision made that time taken in applying for a copy may be excluded, some time is lost in knowing to which officer to apply. To meet this difficulty, I move that the period of two months be raised to three."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"Sir, I hope there is no impression anywhere that the intention of the Government in the curtailment of the period of appeal was to prejudice the rights of appellants. On the other hand, the intention was, as far as possible, to help them. In the Bill we had entered only one month as the period within which an appeal should be preferred. We did this deliberately on non-official advice. Before fixing the period under this clause, we asked the Board of Revenue to obtain non-official opinion throughout the provinces as to what the feeling was regarding the period of appeal. The Board of Revenue consulted as many as 65 non-official gentlemen in the provinces. Fifty-five of them were distinctly of opinion that it would be to the interests of the ryots if the appeal was preferred and heard within as brief a period as possible after the decision of the survey officer. It may probably look anomalous how it can be to the advantage of the ryot. May I explain how it is? The Survey department is working in a particular district; it takes its own time for the completion of its preliminary operations. When it

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Clause 12—cont.

has finished these operations, it serves notices on the parties communicating to these parties the result of the operations. If the parties are allowed longer time than is now permissible for preferring the appeal, the chances are that the particular set of officers who have conducted the preliminary investigations are no more in the district; they have gone somewhere else; they are certainly neither in nor about the locality concerned. So, the longer the time allowed to them, the greater the inconvenience, the greater the trouble and the greater the expense to the parties. Fifty-five non-official gentlemen have expressed the opinion strongly that it will be preferable that the appeals are heard by the survey officers in or near the village and for this it will be desirable that the period of appeal should be curtailed as much as possible. In the original draft of the Bill we fixed one month. The Select Committee examined every provision with almost a searchlight and they considered that one month was too short and raised it to two months. What are the safeguards at the present moment in the clause itself? The period occupied for the purpose of taking copies is excluded. Not only that. In the second proviso we have also distinctly and definitely stated that the appellate authority may admit an appeal after the expiry of the said period on his being satisfied that the appellant had good and sufficient cause for not preferring the appeal within such period. We have not shut the doors deliberately against the appellants. We have given the appellant two months' period to begin with. This has been, as I said, in deference to the non-official opinion. That is clearly to the advantage of the party himself for he will have the advantage of the same officer who has conducted the preliminary investigations being at his door and if the appellate authority thinks it necessary to go once more to the spot and see whether the original fixation of the boundary is correct or not, the officer is there available. One morning he rides on his horse, goes to see it and verifies it for himself. But if he has left the place and if he has gone from Salem to Vizagapatam, you surely cannot expect the party to be running after the survey officer. If the survey officer in Vizagapatam hears the appeal do you expect the party to be satisfied with the decision? With a view to make it as much as we can a factor in favour of the appellant, we have fixed the period at two months. One more fact I may add. If a party is not going to take advantage of two months for the purpose of preferring an appeal and if the survey officer's decision has really affected his interests and if he is eager to prefer an appeal, I am not sure whether the extension of the period by one month more will be of great help to him. Nor am I quite sure whether the two months' time will seriously impair the chances of the appellant. For all these reasons, I think the action of the Select Committee in having raised the period to two months is sufficiently liberal and I see no reason for further increasing it."

Mr. A. RANGANATHA MUDALIYAR:—"I cannot help feeling that the eloquence of the hon. the Revenue Member might have been spent on a better cause. If the hon. the Revenue Member really wants that the disputes should be decided as early as possible, I would suggest to him that the officers who are responsible for communicating the orders and the officers responsible for granting copies when applications are made must not take unnecessarily long time. The difficulty has always been in obtaining copies. If the hon. Member takes the trouble of investigating the dates when the

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Clause 12—cont.

applications are made and the dates when copies are granted, he will find, Sir, that copies are granted not only after the officer in Salem has gone to Vizagapatam, but also after he has gone to the other world. I would like the hon. Member to put more pressure on his subordinates and see that they do not waste time in communicating the decisions or in granting copies. The difficulty comes in in the case of absentee landowners. It is just conceivable that they may not get the notices in time. The hon. the Revenue Member seems to think that the parties would like to sleep even when their interests have been decided against them. It is not so. As soon as the man comes to know of it, he will certainly prefer an appeal. No doubt there is provision that if the appellate authority is satisfied that the delay is excusable, it may be condoned. But we know too well how the magistrate comes just a minute before time, calls the party thrice and disposes of the case. So is the case with the income-tax officers. So, I think the House will be well advised in pressing for the extension of the period. No doubt some non-official members have indicated their opinion in favour of a short period. But if any one like my hon. friends, Mr. Muniswami Nayudu or Mr. Krishna Rao, had been deputed to ascertain the non-official view, they would have found many gentlemen saying that the period should be extended to three months."

The House adjourned to meet at 11 a.m. the next day.

L. D. SWAMIKANNU,
Secretary to the Legislative Council.

வாய்மையே வெல்லும்
TRUTH ALONE TRIUMPHS